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<https://archive.org/details/ordinance2009sanf>

[Settlement of Lawsuit]

Ordinance authorizing settlement of the portion of the lawsuit filed by Chez Spencer, a partnership, against the City and County of San Francisco for \$67,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436942; entitled Laurent Katgely, et al. v. City and County of San Francisco, et al.

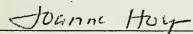
Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the portion of the action entitled "Laurent Katgely, et al. v. City and County of San Francisco, et al.," San Francisco Superior Court, Court No. 436942, by the payment of \$67,000, and excluding the claim by this plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings.

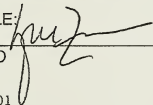
Section 2. The above-named action was filed in San Francisco Superior Court on December 8, 2004, and the following settling parties were named in the lawsuit: Plaintiff Chez Spencer (a partnership) and Defendant City and County of San Francisco.

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney


JOANNE HOEPER, Chief Trial Deputy

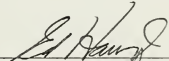
FUNDS AVAILABLE:


BEN ROSENFELD
Controller

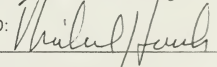
Index Code: 470101
Subject: 05312

RECOMMENDED:

PUBLIC UTILITIES COMMISSION


ED HARRINGTON, General Manager

APPROVED:


Secretary
Public Utilities Commission

GOVERNMENT
DOCUMENTS DEPT

MAR - 2 2009

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City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081477

Date Passed:

Ordinance authorizing settlement of the portion of the lawsuit filed by Chez Spencer, a partnership, against the City and County of San Francisco for \$67,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436942; entitled Laurent Katgely, et al. v. City and County of San Francisco, et al.

December 16, 2008 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

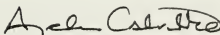
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081477

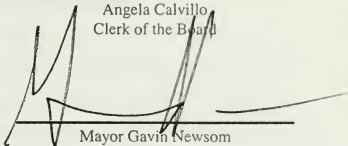
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Settlement of Lawsuit]

Ordinance authorizing settlement of the portion of the lawsuit filed by IMG Home Corporation against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

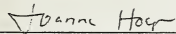
Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the portion of the action entitled "Jane Martin, et al. v. City and County of San Francisco, et al.," San Francisco Superior Court, Court No. 436930, as it relates only to plaintiff IMG Home Corporation, by the payment of \$500,000, and excluding the claim by this plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings.

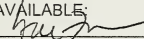
Section 2. The above-named action was filed in San Francisco Superior Court on January 31, 2005, and the following settling parties were named in the lawsuit: Plaintiff IMG Home Corporation and Defendant City and County of San Francisco.

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney


JOANNE HOEPFER, Chief Trial Deputy

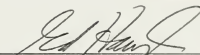
FUNDS AVAILABLE:


BEN ROSENFELD
Controller

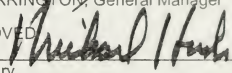
Index Code: 470101
Subobjec: 05312

RECOMMENDED:

PUBLIC UTILITIES COMMISSION


ED HARRINGTON, General Manager

APPROVED:


Secretary
Public Utilities Commission
GOVERNMENT
DOCUMENTS DEPT

MAR - 2 2009



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081478

Date Passed:

Ordinance authorizing settlement of the portion of the lawsuit filed by IMG Home Corporation against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

December 16, 2008 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

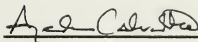
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081478

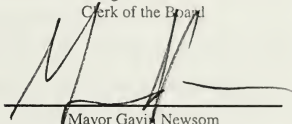
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Settlement of Lawsuit]

Ordinance authorizing settlement of the portion of the lawsuit filed by Noreen Quimson against the City and County of San Francisco for \$45,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

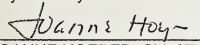
Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the portion of the action entitled "Jane Martin, et al. v. City and County of San Francisco, et al.," San Francisco Superior Court, Court No. 436930, as it relates only to plaintiff Noreen Quimson, by the payment of \$45,000, and excluding the claim by this plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings.

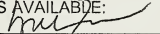
Section 2. The above-named action was filed in San Francisco Superior Court on January 31, 2005, and the following settling parties were named in the lawsuit: Plaintiff Noreen Quimson and Defendant City and County of San Francisco.

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney


JOANNE HOEPER, Chief Trial Deputy

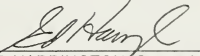
FUNDS AVAILABLE:


BEN ROSENFELD
Controller

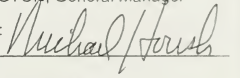
Index Code: 470101
Subject: 05312

RECOMMENDED:

PUBLIC UTILITIES COMMISSION


ED HARRINGTON, General Manager

APPROVED:


Secretary
Public Utilities Commission
GOVERNMENT
DOCUMENTS DEPT

MAR - 2 2009



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081479

Date Passed:

Ordinance authorizing settlement of the portion of the lawsuit filed by Noreen Quimson against the City and County of San Francisco for \$45,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

December 16, 2008 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081479

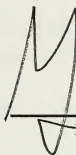
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Appropriating \$136,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for Fiscal Year 2008-2009.]

Ordinance appropriating \$136,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for Fiscal Year 2008-2009.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available for Fiscal Year 2008-2009.

SOURCES Appropriation

Fund	Index/Project Code	Subobject	Description	Amount
3C XCF XXX	XXXXXXX	80111	General Obligation	\$136,000,000
SFGH & Trauma Center Rebuild & Improvement Fund	CHGREB00		Bond Proceeds	
Total SOURCES Appropriation				\$136,000,000

Section 2. The uses of funding outlined below are herein appropriated in the Subobject 06700 (Buildings, Structures, and Improvement Project-Budget), Subobject 07311 (Cost of Bond Issuance & Underwriter's Discount), Subobject 081C4 (City Services Auditor Internal Audits for the General Obligation Bond Oversight Committee and the Controller's Audit Fund), and

Mayor Gavin Newsom
Office of the Mayor

GOVERNMENT
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Page 1 of 3

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reflects the projected uses of funding to support the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center for the Department of Public Health for Fiscal Year 2008-2009.

USES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF XXX	XXXXXXX	06700 Buildings,	San Francisco General	\$133,622,557
SFGH & Trauma	CHGREB00	Structures, and	Hospital and Trauma	
Center Rebuild &		Improvement	Center Building,	
Improvement Fund		Project-Budget	Rebuilding & Earthquake	
			Safety Improvements	
3C XCF XXX	XXXXXXX	07311	Cost of Issuance	\$654,667
SFGH & Trauma	CHGREB00	Bond Issuance		
Center Rebuild &		Cost		
Improvement Fund				
3C XCF XXX	XXXXXXX	07311	Underwriter's Discount	\$1,321,100
SFGH & Trauma	CHGREB00	Bond Issuance		
Center Rebuild &		Cost		
Improvement Fund				

	Fund	Index Code / Project Code	Subobject	Description	Amount
4	3C XCF XXX	XXXXXXX	081C4- Controller	City Services Auditor	\$133,892
5	SFGH & Trauma	CHGREB00	Internal Audits	0.1% allocation for the	
6	Center Rebuild &			General Obligation Bond	
7	Improvement Fund			Oversight Committee	
8				audits	
10	3C XCF XXX	XXXXXXX	081C4- Controller	City Services Auditor	\$267,784
11	SFGH & Trauma	CHGREB00	Internal Audits	0.2% allocation for the	
12	Center Rebuild &			Controller's Audit Fund	
13	Improvement Fund				
14	Total USES Appropriation				<u>\$136,000,000</u>

FUNDS AVAILABLE

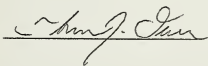
APPROVED AS TO FORM:

BEN ROSENFELD

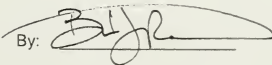
DENNIS J. HERRERA, City Attorney

Controller

By:



By:



Deputy City Attorney

Date: 11/25/2008



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081522

Date Passed:

Ordinance appropriating \$136,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for Fiscal Year 2008-2009.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

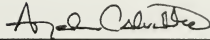
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081522

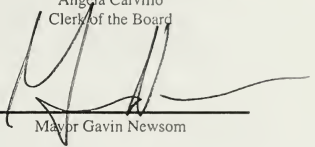
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[General Obligation Bond Short-Term Indebtedness.]

Ordinance amending the San Francisco Administrative Code by adding Article 43.11, Sections 43.11.1 through 43.11.5, to authorize the issuance of short-term indebtedness in anticipation of the issuance of general obligation bonds authorized by the voters.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Article 43.11, Sections 43.11.1 through 43.11.5, to read as follows:

ARTICLE XI GENERAL OBLIGATION BOND SHORT-TERM INDEBTEDNESS

SEC. 43.11.1. FINDINGS.

The City and County of San Francisco (the "City") is a municipal corporation and chartered city and county duly organized and existing under a charter pursuant to which the City has the right and power to make and enforce all laws and regulations in respect to municipal affairs and certain other matters in accordance with and as more particularly provided in Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Section 1.101 of the Charter of the City (the "Charter").

Pursuant to Section 9.113(e) of the Charter, this Article sets forth a procedure by which the City may issue short-term indebtedness in anticipation of the issuance of general obligation bonds which have been approved by the voters.

Mayor Newsom
BOARD OF SUPERVISORS

GOVERNMENT
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Page 1
11/25/2008

MAR - 2 2009

1 SEC. 43.11.2. DEFINITIONS.

2 For purposes of this Article, the following terms shall have the meanings given below:

3 (a) The term "Board" shall mean the Board of Supervisors of the City.

4 (b) The term "Charter" shall mean the Charter of this City.

5 (c) The term "City" shall mean the City and County of San Francisco.

6 (d) The term "Director" shall mean Director of the Office of Public Finance, or his/her
7 designee, or any successor to that Office.

8 (e) The terms "Short-Term Indebtedness" and "Bonds" shall have the meanings set forth in
9 Section 43.11.3.

10
11 SEC. 43.11.3. AUTHORIZATION OF SHORT-TERM INDEBTEDNESS.

12 (a) When the Board deems it in the best interests of the City, the Board may authorize the
13 issuance, upon such terms and conditions as it may determine, of notes or other obligations ("Short-
14 Term Indebtedness"), maturing within a period not to exceed five years of its date of issuance (or of the
15 date of issuance of any refunded Short-Term Indebtedness), in anticipation of the sale of general
16 obligation bonds ("Bonds") which have been approved by the voters and authorized for issuance by the
17 Board at the time such Short-Term Indebtedness is issued.

18 (b) The proceeds from the sale of the Short-Term Indebtedness shall be used only for the
19 purposes for which the Bonds were approved by the voters, together with the costs of issuing such
20 Short-Term Indebtedness.

21 (c) All Short-Term Indebtedness issued and any renewal or refunding thereof shall be
22 payable solely from the proceeds of the sale of the Bonds, provided that (i) all or a portion of the
23 principal and interest on such Short-Term Indebtedness may be payable from the levy of the tax
24 authorized by the voters if authorized by the Board or required by law; (ii) interest payable on the

1 Short Term Indebtedness may be payable from the proceeds of such Short Term Indebtedness if
2 authorized by the Board, and (iii) in the event that the sale of the Bonds shall not have occurred prior
3 to the maturity of the Short-Term Indebtedness issued in anticipation of the sale, the Director, in order
4 to meet the Short-Term Indebtedness then maturing, shall issue refunding Short-Term Indebtedness for
5 such purpose. No refunding of Short-Term Indebtedness shall be issued after the sale of Bonds in
6 anticipation of which the original Short-Term Indebtedness was issued.

7
8 **SEC. 43.11.4. MISCELLANEOUS PROVISIONS**

9 (a) The Short-Term Indebtedness shall have such terms and conditions, not inconsistent
10 with the terms of this Article, as the Director shall determine, provided that no Short-Term
11 Indebtedness shall have a final maturity in excess of five years from its date or, in the case of refunding
12 Short-Term Indebtedness, the date of the first issuance of Short-Term Indebtedness to which such
13 refunding relates. The Short-Term Indebtedness shall be sold upon such terms and conditions as the
14 Director shall determine. The Short-Term Indebtedness may be sold at competitive or negotiated sale
15 as determined by the Board is in the best financial interest of the City and such determination may be
16 delegated by the Board to the Director. Any Short-Term Indebtedness may be sold at a discount not to
17 exceed 5% and at a premium, as the Director shall determine is in the best financial interest of the City.

18 (b) In connection with the issuance of any Short-Term Indebtedness, the Board may
19 authorize the City to enter into credit enhancement or liquidity agreements, with payment, interest rate,
20 currency, security, default, remedy, and other terms and conditions as the Director shall determine are
21 in the best financial interest of the City.

22 (c) In connection with the issuance of any Short-Term Indebtedness, the Board may
23 authorize the City to appoint such agents and other professionals as necessary or desirable as the
24 Director shall determine.

1 (d) The total amount of Short-Term Indebtedness issued and outstanding shall at no time
2 exceed the total amount of the authorized but unissued Bonds.
3

4 SEC. 43.11.5. LIBERAL CONSTRUCTION.

5 The powers conferred by the provisions of this Article are in addition to and supplemental to the
6 powers conferred by the Charter or any other ordinance or law.
7

8
9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: Kenneth David Roux
13 Kenneth David Roux
14 Deputy City Attorney
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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081523

Date Passed:

Ordinance amending the San Francisco Administrative Code by adding Article 43.11, Sections 43.11.1 through 43.11.5, to authorize the issuance of short-term indebtedness in anticipation of the issuance of general obligation bonds authorized by the voters.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081523

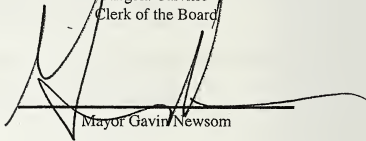
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Appropriating \$45,000,000 of COP Revenue for the Moscone Center Improvement Project in the Office of the City Administrator for Fiscal Year 2008-2009.]

Ordinance appropriating \$45,000,000 of San Francisco Certificates of Participation (COPs) Series 2009B to fund the Moscone Center Improvement Project in the General Services Agency - Office of the City Administrator for Fiscal Year 2008-2009 and placing these funds on Controller's Reserve pending issuance of the COPs.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available for Fiscal Year 2008-2009.

SOURCES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C MCF xxx Moscone Center Improvement Project	TBD	80141	Proceeds from Certificates of Participation	\$43,376,570
3C MCF xxx Moscone Center Improvement Project	TBD	80599	Premium on Issuance of Debts	\$1,623,430
Total SOURCES Appropriation				\$45,000,000

GOVERNMENT
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Supervisor Peskin
BOARD OF SUPERVISORS

MAR - 2 2009

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Section 2. The uses of funding outlined below are herein appropriated in the Subobjects 06700 (Buildings, Structures, and Improvement Project-Budget), Subobject 07311 (Cost of Bond Issuance), Subobject 07DISC (Discount on Issuance of Debts), 07000 (Debt Service – Budget), and reflects the projected uses of funding to support the Moscone Center Improvement Project in the Office of the City Administrator for Fiscal Year 2008-2009.

USES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C MCF xxx Moscone Center Improvement Project	TBD	06700 Buildings, Structures, and Improvement Project- Budget	Capital Improvements at the Moscone Convention Center	\$37,996,761
3C MCF xxx Moscone Center Improvement Project	TBD	07311 Bond Issuance Cost – Unamortized	Cost of Bond Issuance	\$525,000
3C MCF xxx Moscone Center Improvement Project	TBD	07DISC Discount on Issuance of Debts	Underwriter's Discount	\$137,775
3C MCF xxx Moscone Center Improvement Project	TBD	081C4 GF-CON - Internal Audits	City Services Auditor Internal Audit	\$76,146

Fund	Index Code / Project Code	Subsubject	Description	Amount
4D COP xxx	TBD	07000 Debt Service –	Debt Service	\$4,028,500
Moscone Center COP		Budget	Reserve Fund	
Fund				
4D COP xxx	TBD	07000 Debt Service –	Capitalized Interest	\$2,235,818
Moscone Center COP		Budget		
Fund				
Total Uses Appropriation				<u>\$45,000,000</u>

Section 3. The uses of funding outlined above for \$45,000,000 are herein placed on Controller's Reserve for Fiscal Year 2008-2009 pending issuance of the Certificates of Participation.

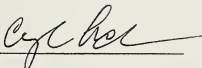
APPROVED AS TO FORM:

FUNDS AVAILABLE

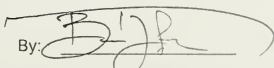
DENNIS J. HERRERA, City Attorney

BEN ROSENFELD, Controller

By:


Deputy City Attorney

By:


Date: 11/25/2008



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081514

Date Passed:

Ordinance appropriating \$45,000,000 of San Francisco Certificates of Participation (COPs) Series 2009B to fund the Moscone Center Improvement Project in the General Services Agency - Office of the City Administrator for Fiscal Year 2008-2009 and placing these funds on Controller's Reserve pending issuance of the COPs.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

January 6, 2009 Board of Supervisors — FINALLY PASSED

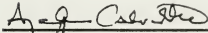
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081514

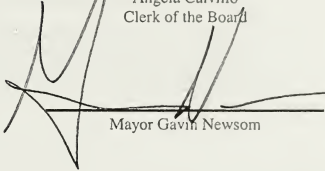
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Accept-Expend Federal Grant and amend Annual Salary Ordinance, FY 2008-2009.]

Ordinance authorizing the police department to retroactively accept and expend grant funding in the amount of \$1,024,467.00 from the National Institute of Justice for a program entitled "NIJ's 2008 Forensic DNA Unit Efficiency Improvement Program," and amending the Annual Salary Ordinance to create grant-funded positions.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

WHEREAS, The Chief of Police for the City and County of San Francisco applied for funding from the National Institute of Justice (NIJ) for a certain project designated "NIJ's 2008 Forensic DNA Unit Efficiency Improvement Program" and was awarded one million twenty-four thousand four hundred sixty seven dollars (\$1,024,467); and,

WHEREAS, the police department will use the grant funds for the design, development and delivery of a Forensic DNA Management System (FMS); and,

WHEREAS, The City must enter a cooperative agreement with the NIJ to obtain the grant funds; and,

WHEREAS, The term of this grant award and cooperative agreement is October 1, 2008 thru March 31, 2010; and,

WHEREAS, the grant program and cooperative agreement terms prohibit indirect costs in the agreement budget; now, therefore, be it

ORDAINED, That the Chief of Police for the City and County of San Francisco is authorized on behalf of the City and County of San Francisco to retroactively accept and

Supervisor Sean R. Elsbernd
BOARD OF SUPERVISORS

GOVERNMENT
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MAR - 2 2009

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11/19/2008

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1 expend funding in the amount of \$1,024,467.00 for the NIJ's 2008 Forensic DNA Unit
2 Efficiency Improvement Program from the National Institute of Justice (NIJ); and be it

3 FURTHER ORDAINED, That the Board of Supervisors hereby waives inclusion of
4 indirect costs in the grant budget; and be it

5 FURTHER ORDAINED, That the Chief of Police, or designee, is authorized to furnish
6 whatever additional information or assurances the NIJ may request in connection with this
7 grant, to execute the cooperative agreement and any other agreements or documents, and to
8 take any other steps necessary to accept and expend the grant funds; and be it

9 FURTHER ORDAINED, That the City and County of San Francisco agrees to provide
10 matching funds required for said project (including any amendment thereof), and abide by the
11 statutes and regulations governing this NIJ project as well as the terms and conditions of the
12 cooperative agreement as set forth by the NIJ; and be it

13 FURTHER ORDAINED, That funds received hereunder shall not be used to supplant
14 expenditures controlled by the Board of Supervisors; and be it

15 FURTHER ORDAINED, That the Annual Salary Ordinance is hereby amended as
16 follows.

17
18 Department: POL (38) Police Department

19 Program: ACB

20 Subfund: 2S-PPF-GNC

21 Index Code: 380631

<u>Amendment</u>	<u># of Positions</u>	<u>Class and Items No.</u>	<u>Compensation Schedule</u>
<u>Add</u>	<u>0.50 FTE</u>	<u>1063 IS Programmer Analyst-Senior</u>	<u>\$2908 B \$3661</u>

1 Department: POL (38) Police Department

2 Program: ACF

3 Subfund: 1G-AGF-AAP

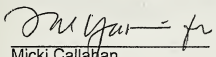
4 Index Code: 380368

5 Amendment # of Positions Class and Items No. Compensation Schedule

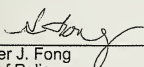
6 Add 0.25 FTE 1043 IS Engineer - Senior \$3808 B \$4788

8 APPROVED AS TO CLASSIFICATION:
9 DEPARTMENT OF HUMAN RESOURCES

10 By:

11 
Micki Callahan
Director

12 RECOMMENDED:

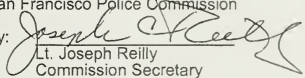
13 
14 Heather J. Fong
15 Chief of Police

16 
17 Gavin Newsom
18 Mayor

19 
20 for Controller
21 Grants Division

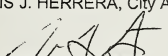
San Francisco Police Commission

By:

22 
23 Lt. Joseph Reilly
24 Commission Secretary

25 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:

26 
27 Molly S. Stump
28 Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081507

Date Passed:

Ordinance authorizing the Police Department to retroactively accept and expend grant funding in the amount of \$1,024,467.00 from the National Institute of Justice for a program entitled "NIJ's 2008 Forensic DNA Unit Efficiency Improvement Program," and amending the Annual Salary Ordinance to create grant-funded positions.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081507

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved

Angela Calvillo

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

FILE NO. 080872

ORDINANCE NO.

8-09

[Planning – Union Street Neighborhood Commercial District - full-service restaurants.]

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:
Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

(1) The Union Street Neighborhood Commercial District Zoning Controls applicable to full-service restaurants and small self-service restaurants have not been substantially revised since their adoption in 1987.

(2) Since that time, the demographic and economic character of the Marina District has continued to evolve, bringing with it needs for new commercial facilities along Union Street, some of which are prohibited under current zoning controls.

(3) There are 27 full service restaurants currently located in the Union Street Neighborhood Commercial District ("Union Street District").

(4) The underlying premise that led to the original prohibition of full-service restaurant uses along Union Street – that being to preserve existing convenience businesses and to minimize growth impacts on neighborhood residents – remains sound.

GOVERNMENT
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Supervisor Alioto-Pier
BOARD OF SUPERVISORS

MAR - 2 2009

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1 (5) By allowing a limited number of new full-service restaurants and small self-service
2 restaurants to locate within the Union Street District, the neighborhood will have additional
3 land use planning options. This flexibility will accommodate the needs of neighborhood
4 residents and maintain the vibrancy of the community, without risking more significant and
5 undesirable land use shifts.

6 (6) New restaurants allowed pursuant to this ordinance may fill commercial spaces in
7 the neighborhood that could otherwise remain vacant.

8 (7) New restaurants will be limited by number, size, and conditional use criteria to
9 avoid displacing other neighborhood-serving uses.

10 (8) Such new restaurants attract patrons who may support existing and future local
11 businesses within the Union Street District.

12 Section 2. Environmental Findings, General Plan Findings, and Other Required Findings.

13 (a) The Planning Department has determined that the actions contemplated in this
14 Ordinance are in compliance with the California Environmental Quality Act (California Public
15 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
16 Board of Supervisors in File No. 080872 and is incorporated herein by
17 reference.

18 (b) On September 25, 2008, the Planning Commission, in Resolution No.
19 17703 approved and recommended for adoption by the Board this legislation and
20 adopted findings that it is consistent, on balance, with the City's General Plan and eight
21 priority policies of Planning Code Section 101.1 The Board adopts these findings as its own.
22 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.
23 080872, and is incorporated by reference herein.

1 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
2 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
3 Planning Commission Resolution No. 17703, and incorporates such reasons by
4 reference herein.

5 Section 3. The San Francisco Planning Code is hereby amended by amending
6 Section 725.1 to read as follows:

7 **SEC. 725.1 UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

8 The Union Street Commercial District is located in northern San Francisco between the
9 Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van
10 Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard.
11 The shopping area provides limited convenience goods for the residents of sections of the
12 Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately
13 surrounding the street. Important aspects of Union Street's business activity are eating and
14 drinking establishments and specialty shops whose clientele comes from a wide trade area.
15 There are also a significant number of professional, realty, and business offices. Many
16 restaurants and bars are open into the evening hours, and on weekends the street's clothing,
17 antique stores and galleries do a vigorous business.

18 The Union Street District controls are designed to provide sufficient growth
19 opportunities for commercial development that is in keeping with the existing scale and
20 character, promote continuous retail frontage, and protect adjacent residential livability.
21 Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above the
22 ground story and at all residential levels are protected. Most commercial development is
23 permitted at the first two stories of new buildings, while retail service uses are monitored at
24 the third story and above. Controls are necessary to preserve the remaining convenience
25

businesses and to reduce the cumulative impacts which the growth of certain uses have on neighborhood residents. Such controls prohibit additional ~~eating and~~ drinking establishments and limit additional eating establishments and entertainment and financial service uses. Most automobile and drive-up uses are prohibited in order to maintain continuous retail frontage and minimize further traffic congestion.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

Section 4. The San Francisco Planning Code is hereby amended by amending Section 725.42 of the Union Street Neighborhood Commercial District Zoning Control Table to read as follows:

**SEC. 725 UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING
CONTROL TABLE**

			UNION STREET		
			CONTROLS BY STORY		
No.	A. Zoning Category	§ References	1 st	2 nd	3 rd +
725.42	Full-Service Restaurant	§790.92	<u>C</u>		

Section 5. The San Francisco Planning Code is hereby amended by adding a new table entitled "Specific Provisions for the Union Street Neighborhood Commercial District" under Section 725 to read as follows:

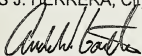
SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

<u>Article 7</u>	<u>Other Code</u>	<u>Zoning Controls</u>
<u>Code Section</u>	<u>Section</u>	
§725.42	§790.22	UNION STREET LIQUOR LICENSES FOR FULL-SERVICE RESTAURANTS Boundaries: Applicable to the Union Street Neighborhood Commercial District Applicability: The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to §178(c) of the Planning Code. Controls: (a) In order to allow certain restaurants to seek an ABC license type 47 so that liquor may be served for drinking on the premises, a bar use, as defined in §790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that: —— (1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in §790.92 and (B) a bona-fide restaurant as defined in §781.8(c); —— (2) The establishment maintains only an ABC

		license type 47. Other ABC license types, except those that are included within the definition of a full-service restaurant pursuant to §790.22, are not permitted for those uses subject to this Section.; and —— (3) The bar use area provides for no more than 20 percent of the seating capacity of the establishment. —— (b) The Planning Department shall require that any bar use authorized pursuant to this section shall not sell liquor after midnight. —— (c) Subsequent to the granting of a conditional use authorization under this Section, the Commission may consider immediate revocation of the previous conditional use authorization should an establishment no longer comply with any of the above criteria for any length of time.
<u>§725.42</u>	<u>§790.92</u>	<u>UNION STREET FULL-SERVICE RESTAURANTS</u> <u>Boundaries: Applicable to the Union Street Neighborhood Commercial District</u> <u>Applicability: The following controls apply to new uses as well to significant alterations, modifications, and intensifications of existing uses pursuant to §178(c) of the Planning Code.</u>

1 Controls: The Planning Commission may approve a full-
2 service restaurant providing on-site liquor, beer and/or
3 wine sales (with ABC license 40, 41, ~~47~~ or 60) if, in
4 addition to meeting the criteria set forth in Section 303, the
5 use (1) is located on the ground floor, and (2) the Planning
6 Commission finds that an additional full-service restaurant
7 would not result in a net total of more than 32 full-service
8 restaurants in the Union Street Neighborhood. The
9 Planning Department shall apply Article 7 zoning controls
10 for Union Street Full-Service Restaurants to conditional use
11 authorizations required by Planning Code § 178, including
12 but not limited to significant alterations, modifications, and
13 intensifications of use.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: 

18 Andrew W. Garth
19 Deputy City Attorney
20
21
22
23
24
25



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080872

Date Passed:

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 080872

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved

Angela Calvillo

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

[Promoting and Sustaining Music and Culture in San Francisco.]

Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a music and culture sustainability policy for City government; provide for development by the Entertainment Commission of a proposal for an on-line permitting system for entertainment-related permits, licenses, and determinations; provide for review by the Entertainment Commission of new criteria for entertainment related permits, licenses, and determinations; establish a process coordinated by the Entertainment Commission for reviewing and possibly revising City Codes to conform to and implement the music and culture sustainability policy; urge the Planning Commission to consider amending the General Plan to conform to and implement that policy; and provide for an annual hearing by the Entertainment Commission to review and make recommendations relating to implementation of that policy.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Chapter 90A, comprised of Sections 90A.1 – 90A.9, to read as follows:

CHAPTER 90A:

PROMOTING AND SUSTAINING MUSIC AND CULTURE

SEC. 90A.1. FINDINGS AND PURPOSE.

(a) San Francisco has a rich music and cultural heritage manifested in numerous outdoor events such as street fairs and music festivals and in many indoor venues such as community centers.

1 nightclubs, and theaters. Music and cultural events and performances are a distinct and important
2 feature of San Francisco that make it both an exceptional and a desirable place to live.

3 (b) Indoor and outdoor music, theater, performance, nightlife, dancing, and other
4 entertainment venues and cultural events are a vital component of the quality of life for all the diverse
5 communities of San Francisco. Such venues and events offer important social avenues for individuals
6 and groups of all ages, foster positive and meaningful interactions between individuals and within
7 communities in San Francisco, and strengthen neighborhoods in San Francisco.

8 (c) San Francisco's vibrant music, nightlife, and cultural life is a central component of its
9 attractiveness not only to residents but also to visitors; both those coming from the greater San
10 Francisco Bay Area, and tourists, business visitors, and convention attendees who come to San
11 Francisco from other parts of the United States and the world. The wide variety of music,
12 entertainment, and cultural events are a boon to the tourism industry in San Francisco and have a
13 major, positive impact on the San Francisco economy.

14 (d) It is the policy of the City, and the purpose of this Chapter, to foster, promote, and sustain
15 music and culture in San Francisco. This Chapter shall be implemented in a manner that is consistent
16 with the requirements of state law, the City Charter, and any fiduciary obligations.

17 SEC. 90A.2. MUSIC AND CULTURE SUSTAINABILITY POLICY.

18 The following general principles constitute the City's music and culture sustainability policy.
19 All City officials, boards, commissions, departments, and other entities shall implement these principles
20 in conducting the City's affairs.

21 (a) The City is committed to a general policy of sustaining indoor music and performance
22 venues, and outdoor special events such as, but not limited to, parades, festivals, neighborhood
23 celebrations, and street fairs. As development proceeds in San Francisco, with new buildings
24 constructed, possible zoning changes, evolving infrastructure, changes in transportation systems and

1 traffic patterns, and the like, the City must be vigilant to ensure that San Francisco remains a
2 hospitable environment for music and cultural venues and events. San Francisco's music and
3 performance venues and indoor and outdoor cultural events should be preserved and enhanced and
4 protected from displacement due to development.

5 (b) The City is committed to a general policy of supporting and encouraging the use of City and
6 County property, including Port property, for indoor and outdoor music and other cultural events. By
7 making public property available for such events, more residents and visitors to San Francisco are able
8 to attend such events and thereby share in the rich musical and cultural experiences that San Francisco
9 offers.

10 (c) The City supports and encourages the use of galleries, art studios, salons, warehouses,
11 coffee houses, community centers, and other unique places for cultural events, such as but not limited
12 to musical performances, DJ events, readings, theater, dance events, fairs, festivals, workshops,
13 fundraisers, and other community events. Limitations of space within San Francisco make it important
14 for the City to be creative and expansive in recognizing the value of many different kinds of venues for
15 music, entertainment, and cultural events.

16 (d) The City supports and encourages music, theater, performance, dance, street fairs, and
17 other programs and events that reflect the cultural diversity of San Francisco. For San Francisco's
18 musical and cultural life to remain vibrant, the City must be receptive to new and evolving perspectives
19 on music and culture.

20 (e) The City supports and encourages innovative approaches to the provision of low-cost
21 housing to musicians, artists, performers, event planners, and others who have an integral role in San
22 Francisco's music and cultural life.

23 (f) The City supports and encourages educational programs to promote music, theater, dance,
24 and other performance arts, including but not limited to after-school programs, continuing education

1 programs, performance career paths, and education in media and digital arts and video and audio
2 technology.

3 (g) The City supports and encourages workforce development efforts between event organizers
4 and the City, such as but not limited to training workers in providing security for outdoor events and in
5 facilitating the clean-up of neighborhoods impacted by large outdoor events.

6 (h) The City supports and encourages ongoing research activities on the economic impact of
7 street fairs, nightlife, dance clubs, music halls, other performance and entertainment venues, and
8 cultural events. These research activities should include not merely research efforts by officials,
9 boards, commissions, departments, and other entities of the City, but also research efforts of persons or
10 entities outside of City government. Through contracts, grants, or other funding by the City of outside
11 research efforts, policymakers and decisionmakers within City government and their staffs can learn
12 and benefit from the expertise, perspective, and insights that others can bring to this issue.

13 (i) The City supports and encourages advertising and promotion of music and cultural events
14 and venues, such as street fairs, nightlife, dance clubs, music halls, and other performance and
15 entertainment venues and cultural events. These advertising and promotion efforts should include not
16 merely advertising and promotion by officials, boards, commissions, departments, and other entities of
17 the City, but also advertising and promotion by persons or entities outside of City government who may
18 be specially capable of reaching diverse or specialized audiences, including diverse communities in
19 San Francisco, visitors from the greater San Francisco Bay Area, tourists, business visitors, and
20 convention attendees. Through contracts, grants, or other funding by the City in support of such
21 advertising and promotion efforts, music and cultural events and venues in San Francisco can be
22 sustained and strengthened.

23 (j) It is the policy of the City and County to have a system of coordinated policy development,
24 event planning, and permitting for music, culture, nightlife, performance, entertainment, special events,

1 and entertainment establishments. To facilitate this goal, the Entertainment Commission shall
2 coordinate these policy development, event planning, and permitting functions. All City officials,
3 boards, commissions, departments, and other entities shall cooperate with and assist the Entertainment
4 Commission in these efforts.

5 SEC. 90A.3. STREAMLINED PERMITTING.

6 The City is committed to employing modern technologies, and to developing an on-line
7 permitting system, to provide for more economical and expeditious processing of entertainment-related
8 permits, as defined by ordinance, and other permits or licenses that must be granted or determinations
9 that must be made for a music or cultural event or other entertainment event to take place.

10 To that end, the Entertainment Commission shall develop a proposal for an on-line system that
11 simplifies and expedites the permit process with features such as, but not limited to, on-line application,
12 payment, and permit tracking, and reduction or elimination of paper use. In developing the proposal,
13 the Executive Director of the Entertainment Commission and/or staff shall consult as appropriate with
14 City boards, commissions, departments, entities, and officials, including but not limited to the Planning
15 Commission, Recreation and Park Commission, Port Commission, Police Commission, Fire
16 Commission, Building Inspection Commission, Municipal Transportation Authority Agency, Health
17 Commission, and Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), each of
18 which shall cooperatively assist as appropriate in developing the proposal. The Department of
19 Telecommunications and Information Services shall provide assistance in developing the proposal.
20 The Arts Commission, Grants for the Arts, and the charitable trust departments may, in their discretion,
21 make recommendations to the Executive Director of the Entertainment Commission and/or staff or the
22 Entertainment Commission regarding the proposal. The City may contract with an outside consultant
23 or consultants to facilitate development of the proposal. The Executive Director of the Entertainment
24 Commission and/or staff may hold one or more public hearings to aid in development of the proposal.

1 The Entertainment Commission shall hold at least one public hearing regarding this proposal
2 no later than December 1, 2009 and shall submit the proposal, and in the Entertainment Commission's
3 discretion an accompanying report, to the Board of Supervisors no later than January 15, 2010, in
4 order for the proposal to be fully considered during negotiations and deliberations pertaining to the
5 budget for the fiscal year that commences on July 1, 2010.

6 SEC. 90A.4. HEARINGS ON PERMIT CRITERIA.

7 (b) Subsection (a) shall not apply to new criteria including criteria for fees for the issuance of
8 an entertainment-related permit, as defined by ordinance, or other permit or license that must be
9 granted or determination that must be made for a music or cultural event or other entertainment event
10 to take place, if the permit, license, or determination is under the jurisdiction of the Interdepartmental
11 Staff Committee on Traffic and Transportation (ISCOTT), the Arts Commission, Grants for the
12 Arts, the charitable trust departments, the California Academy of Sciences, the Library Commission,
13 the Port Commission, or the Recreation and Park Commission. To the extent any of these entities hold
14 a public hearing on said new criteria, the entity shall notify the Entertainment Commission of the
15 public hearing and afford the Entertainment Commission and/or its Executive Director or his or her
16 designee an opportunity to testify at the hearing. This subsection (b) shall not preclude the
17 Entertainment Commission or any other City official, board, commission, department, or other entity
18 from holding its own hearing on new criteria for permits, licenses, or determinations under the
19 jurisdiction of the entities named in subsection (b).

20 SEC. 90A.5. REVISION OF CITY CODES.

21 By no later than July 1, 2010, the Entertainment Commission shall submit a report to the Board
22 of Supervisors and all affected City officials, boards, commissions, departments, and other entities,
23 with recommendations for revising City Codes to conform to and implement the principles contained in
24 the music and culture sustainability policy described in Section 90A.2. In developing the report, the

1 Executive Director of the Entertainment Commission and/or staff shall consult as appropriate with City
2 boards, commissions, departments, entities, and officials, including but not limited to the Planning
3 Commission, Recreation and Park Commission, Port Commission, Police Commission, Fire
4 Commission, Building Inspection Commission, Municipal Transportation Authority Agency, Health
5 Commission, and Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), each of
6 which shall cooperatively assist as appropriate in developing the report.

7 The Arts Commission, Grants for the Arts, and the charitable trust departments may, in their
8 discretion, make recommendations to the Executive Director of the Entertainment Commission and/or
9 staff or the Entertainment Commission regarding the report to be submitted to the Board of Supervisors
10 under this section. Before the Entertainment Commission submits any report to the Board of
11 Supervisors under this section, the Executive Director of the Entertainment Commission and/or staff
12 shall consult with the Arts Commission, Grants for the Arts, and the charitable trust departments with
13 respect to the proposed report.

14 The Executive Director of the Entertainment Commission and/or staff may hold one or more
15 public hearings to aid in development of the report to be submitted to the Board of Supervisors under
16 this section. The Entertainment Commission shall hold at least one public hearing regarding the report
17 no later than May 1, 2010.

18 Upon receipt of the report mandated by this section, the Board of Supervisors or a
19 committee thereof shall hold a hearing on the report within 90 days of receipt thereof. The
20 President of the Board of Supervisors or the committee chair may extend this 90-day deadline
21 for up to an additional 30 days if, in the judgment of the President or the chair, considerations
22 of Board or committee efficiency warrant the extension. Subject to the time limits prescribed
23 in this paragraph, the Board or committee hearing of these proposals may occur in one

1 comprehensive hearing, or in the President's or chair's discretion may be split into two or
2 more hearings.

3 The Entertainment Commission may submit to the Board of Supervisors the report mandated by
4 this section in separate parts at separate times, provided that all parts of the report are the subject of a
5 hearing before the Entertainment Commission by May 1, 2010 and before being submitted to the Board
6 of Supervisors; and provided further that all parts of the report are submitted to the Board of
7 Supervisors by no later than July 1, 2010. The requirement of a hearing before the Board of
8 Supervisors or a committee thereof mandated by this section shall not become operative until
9 July 1, 2010 or until all parts of the report have been submitted to the Board of Supervisors,
10 whichever occurs first.

11 Nothing in this section is intended or shall be construed to interfere with or override Section
12 4.105 of the Charter or any other Charter provision. Nothing in this section is intended or shall be
13 construed to prevent any official, board, commission, department, or other entity at any time from
14 proposing a revision to City Codes to conform to and implement the music and culture sustainability
15 policy or otherwise affect the ability of an official, board, commission, department, or other entity to
16 submit proposed legislation to the Board of Supervisors.

17 SEC. 90A.6. AMENDMENT OF GENERAL PLAN.

18 To the extent the principles contained in the music and culture sustainability policy described in
19 Section 90A.2 relate to the future physical development of the City and County, the Board of
20 Supervisors urges the Planning Commission to consider incorporating those principles into the City's
21 General Plan and elaborating on and implementing with greater specificity those principles in the
22 General Plan, either as a distinct element or as part of one or more existing elements or other features
23 of the General Plan, or as some combination of those approaches. The Board of Supervisors urges the
24 Planning Commission to submit by no later than July 1, 2011 a proposed amendment or amendments to

1 the General Plan to accomplish this objective. The Board of Supervisors urges the Planning
2 Department (and Planning Commission, to the extent it is involved) to work on an ongoing and
3 collaborative basis with Entertainment Commission staff (and the Entertainment Commission, to the
4 extent it is involved) in developing said amendment or amendments to the General Plan, as well as
5 working with other affected officials, boards, commissions, departments, and other entities.

6 Nothing in this section is intended or shall be construed to interfere with or override Section
7 4.105 of the Charter or any other Charter provision. Nothing in this section is intended or shall be
8 construed to prevent the Entertainment Commission or its Executive Director, or any other City
9 official, board, commission, department, or other entity from proposing to the Planning Commission or
10 the Director of City Planning amendments to the General Plan that would elaborate on and implement
11 with greater specificity the principles contained in the music and culture sustainability policy.

12 SEC. 90A.7. ANNUAL HEARING.

13 Beginning with calendar year 2012, during the first six months of every year the Executive
14 Director of the Entertainment Commission or his or her designee shall hold a public hearing to review
15 the City's implementation of the principles contained in the music and culture sustainability policy
16 described in Section 90A.2; consider whether the policy should be amended; consider whether further
17 action should be taken to implement the policy, including whether any City Codes should be revised to
18 implement the policy; and consider whether the General Plan should be amended to implement the
19 policy. Other City officials may attend and participate as appropriate in the hearing. The Executive
20 Director or his or her designee shall report on the hearing to the Entertainment Commission, and make
21 recommendations as appropriate. Prior to submitting any such recommendation following the hearing,
22 the Executive Director of the Entertainment Commission or his or her designee shall consult as
23 appropriate with the Arts Commission, Grants for the Arts, and the charitable trust departments, and
24 any official, board, commission, department, or other entity affected by the recommendation.

1 The Entertainment Commission may choose to hold the annual hearing mandated by this
2 section in lieu of its being held by the Executive Director of the Entertainment Commission or his or
3 her designee. In that event, the Entertainment Commission shall invite a representative of the Arts
4 Commission, Grants for the Arts, and the charitable trust departments, as well as any official, board,
5 commission, department, or other entity likely to have an interest in the hearing, to attend and
6 participate as appropriate. Following the hearing, the Entertainment Commission may make
7 recommendations as appropriate on the subjects covered in the hearing.

8 This section is not intended and shall not be construed to limit the number of hearings the
9 Executive Director or his or her designee may have per year on the subjects to be covered in the annual
10 hearing mandated by this section; or to limit the Entertainment Commission's ability to hold one or
11 more hearings on those subjects; or to limit the ability of any other official, board, commission,
12 department, or other entity to hold one or more hearings on those subjects; or to preclude any hearing
13 on those subjects prior to calendar year 2012; or to preclude the Entertainment Commission or any
14 other official, board, commission, department, or other entity at any time from making
15 recommendations on those subjects.

16 SEC. 90A.8. ARTS AND OTHER DEPARTMENTS AND COMMISSIONS.

17 Nothing in this Chapter shall be construed to limit or abridge the powers or exclusive
18 jurisdiction of the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT),
19 the charitable trust departments, the Arts Commission, Grants for the Arts, the California Academy of
20 Sciences, the Library Commission, the Port Commission, or the Recreation and Park Commission, over
21 their activities; the land and buildings set aside for their use; or over the other assets entrusted to their
22 care. This Chapter shall not be construed to impose additional hearing or approval procedures for any
23 policies, guidelines, permits, or licenses issued by the above-listed agencies.

24 SEC. 90A.9. DEFINITIONS.
25

1 (a) "Charitable trust departments" means those departments so designated in Charter
2 section 5.101.

3 (b) "City" means the City and County of San Francisco.

4 (c) "Entertainment-related permits, as defined by ordinance" means those permits and
5 licenses as defined in Administrative Code section 90.2 as amended from time to time.

6
7 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

8 By: Paul Zarefsky
9 PAUL ZAREFSKY
10 Deputy City Attorney
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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081125

Date Passed:

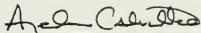
Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a music and culture sustainability policy for City government; provide for development by the Entertainment Commission of a proposal for an on-line permitting system for entertainment-related permits, licenses, and determinations; provide for review by the Entertainment Commission of new criteria for entertainment related permits, licenses, and determinations; establish a process coordinated by the Entertainment Commission for reviewing and possibly revising City Codes to conform to and implement the music and culture sustainability policy; urge the Planning Commission to consider amending the General Plan to conform to and implement that policy; and provide for an annual hearing by the Entertainment Commission to review and make recommendations relating to implementation of that policy.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING AS DIVIDED
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081125

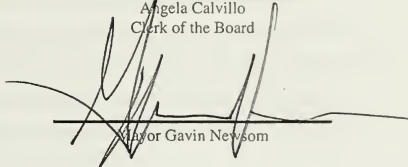
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board



Date Approved



Mayor Gavin Newsom

[Mission Bay North-Park Parcels NP3, NP4 and NP5 Improvements.]

Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the Irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~striketrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~striketrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to them pursuant to the Mission Bay North Redevelopment Plan and Plan Documents described therein, approved and adopted by the Board of Supervisors of the City and County of San Francisco by Ordinance No. 327-98, on October 26, 1998, a copy of which is in Clerk of the Board of Supervisors File No. 981441.

(b) The San Francisco Redevelopment Agency, in letter dated October 23, 2008, determined that the acceptance of the Mission Bay Park Parcels NP3, NP4 and NP5 Improvements, constructed pursuant to Permit No. 06IE-263, dated May 12, 2006 (the

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Department of Public Works , Supervisor Daly
BOARD OF SUPERVISORS

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Page 1
10/24/2008

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1 "Project"), and other actions herein set forth are consistent with the Mission Bay North
2 Redevelopment Plan ("Plan") and Plan Documents described therein and recommends Board
3 of Supervisors acceptance. A copy of the Redevelopment Agency letter is on file with the
4 Clerk of the Board of Supervisors in File No. 081372 and is incorporated by
5 reference as though fully set forth herein.

6 (c) The Redevelopment Agency on SEPTEMBER 3, 2008 signed and accepted the
7 FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties regarding the NP3
8 Improvements. A copy of which is on file with the Clerk of the Board of Supervisors in File
9 No. 081372 and is incorporated by reference as though fully set forth herein.

10 (d) The Redevelopment Agency on JUNE 3, 2008 signed and accepted the
11 FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties regarding the NP4 and
12 NP5 Improvements. A copy of which is on file with the Clerk of the Board of Supervisors in
13 File No. 081372 and is incorporated by reference as though fully set forth herein.

14 (e) The City Planning Department, in a letter dated October 9, 2008 determined that
15 the acceptance of the Project and other actions set forth herein are within the scope of the
16 General Plan consistency findings of Case No. 2008.0902R and the eight priority policies of
17 Planning Code Section 101.1 and the contemplated actions do not trigger the need for
18 subsequent environmental review pursuant the California Environmental Quality Act (CEQA)
19 (California Public Resources Code Sections 21000 et seq.). A copy of the Planning
20 Department letter is on file with the Clerk of the Board of Supervisors in File No. 081372
21 and is incorporated by reference as though fully set forth herein.

22 (f) In DPW Order No. 177,882 dated October 27, 2008 the Director of the
23 Department of Public Works and the City Engineer certified that: Park Parcels NP3, NP4 and
24 NP5 (a) are currently a State Trust Parcel subject to City jurisdiction, (b) have been inspected,
25 were certified as complete by the Department of Public Works on February 1, 2008 for Park

1 Parcel NP3 and June 3, 2008 for Park Parcels NP4 and NP5, and that the project has been
2 constructed in accordance with the Project Plans and Specifications and all City codes,
3 regulations, standards and Mission Bay North Redevelopment Plans and Plan Documents
4 governing this Project, and that such improvements are ready for their intended use, (c) is
5 recommended to the Board of Supervisors for formal acceptance of acquisition facilities and
6 acceptance for maintenance and liability purposes. A copy of the DPW Order is on file with
7 the Clerk of the Board of Supervisors File No. 081372 and is incorporated by reference
8 as though fully set forth herein.

9 Section 2. Adoptions and Approvals.

10 (a) The Board of Supervisors adopts as its own the consistency findings of the San
11 Francisco Redevelopment Agency in connection with the acceptance of the Parks NP3, NP4
12 and NP5 Improvements and other actions specified herein.

13 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
14 findings of the Planning Department in regard to the acceptance of the Parks NP3, NP4 and
15 NP5 Improvements and other actions specified herein.

16 (c) The Board of Supervisors has reviewed and approves the Director of the
17 Department of Public Works recommendation concerning the acceptance of the FOCIL-MB,
18 LLC Irrevocable Offer of Improvements for the Park NP3 Improvements, dated February 1,
19 2008, and for the Parks NP4 and NP5 Improvements dated June 3, 2008 and maintenance
20 and liability responsibilities for said facilities and open space.

21 Section 3. Designation of Park Name, Acceptance of New Acquisition Facilities, and
22 Assumption of Maintenance and Liability Responsibilities.

23 (a) The Board of Supervisor's designates those portions of the State Trust Parcel 1,
24 as shown on Exhibit "A" of the Park NP3 Offer of Improvements and Exhibit "A" of the Parks
25 NP4 and NP5 Offer of Improvements, for open space and park use and designates the park

1 name as "Mission Creek Park".

2 (b) Pursuant to the Acquisition Agreement dated June 1, 2001 by and between the
3 Redevelopment Agency and Catellus Development Corporation, the DPW Order No. 177,882
4 dated October 27, 2008, and pursuant to California Streets and Highways Code Section 1806
5 and San Francisco Administration Code Sections 1.52 et. Seq., the Board of Supervisors
6 hereby accepts the FOCIL-MB, LLC Irrevocable Offer of Improvements dated February 1,
7 2008, for Park NP3 and the Irrevocable Offer of Improvements dated June 3, 2008, for Parks
8 NP4 and NP5, designates such facilities for public open space and park use,
9 and accepts said facilities for maintenance and liability purposes, subject to subsection (c)
10 and (d) but excluding therefrom (i) the portion of Park NP4 located within Assessor Block
11 8707, Lot 3 Improvements and (ii) the NP5 Maintenance Building. These facilities have been
12 excluded and are proposed for delayed acceptance because the Maintenance Building is
13 currently under construction and the portion of land within Assessor's Block 8707, Lot 3 has
14 not been accepted by the City. Copies of said Offer of Improvements are on file with the Clerk
15 of the Board of Supervisors in File No. 081372 and are incorporated herein by reference.

16 (c) The Board's acceptance of improvements pursuant to Subsection (a) are for
17 the Parks NP3, NP4 and NP5 Improvements only, are subject to FOCIL-MB, LLC warranty
18 obligations under the Project Permit No. 06IE-263 and are subject to the maintenance
19 obligations of the Redevelopment Agency subject to the 3rd Amendment to Agency Ground
20 Lease.

21 (d) The Parks NP3, NP4 and NP5 Improvements accepted by the Board pursuant to
22 Subsection (a) are subject to the following: (i) acceptance is for the Project only, (ii)
23 encroachments that are permitted, not permitted, or both are excluded from acceptance, and
24 (iii) acceptance is subject to FOCIL-MB, LLC warranty obligations under the Project Permit.

25 (e) The Board of Supervisors hereby acknowledges FOCIL-MB, LLC conditional

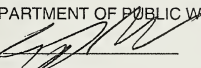
1 assignment of all warranties and guaranties related to the construction of the Parks NP3, NP4
2 and NP5 Improvements.

3 (f) Authority to accept the delayed Improvements mentioned in subsection (b) is
4 hereby delegated to the Director of Public Works acting on behalf of the Board of Supervisors
5 to accept said Improvements in the future in accordance with the Mission Bay North
6 Acquisition Agreement.

7 Section 5. All actions heretofore taken by the officers of the City with respect to such
8 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
9 Director of Property, and Director of Public Works are hereby authorized and directed to take
10 any and all actions which they or the City Attorney may deem necessary or advisable in order
11 to effectuate the purpose and intent of this Ordinance, including, but no limited to, the filing of
12 the Ordinance in the Official Records of the City and County of San Francisco.

13
14 RECOMMENDED:

15 DEPARTMENT OF PUBLIC WORKS

16 By: 

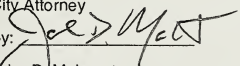
17 Edward D. Reiskin

18 Director of Public Works

19
20 APPROVED AS TO FORM:

21 Dennis J. Herrera

22 City Attorney

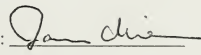
23 By: 

24 John D. Malamut

25 Deputy City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

By: 

James Chia

Acting City Engineer



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081372

Date Passed:

Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

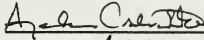
January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

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File No. 081372

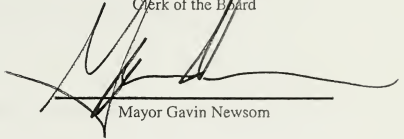
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

1/16/09

Date Approved



Mayor Gavin Newsom

["Know your rights" brochure for towing]

Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car firms to display "Know Your Rights When Your Car is Towed from Private Property" brochure and setting administrative penalties.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended by adding Section 3055.2, to read as follows:

Sec. 3055.2. Public Right to Know Private Property Towing Laws.

- (a) Findings. The Board of Supervisors finds:
- (i) that there are frequent incidents of illegal towing from private property in San Francisco;
and
- (ii) that there is a significant risk to the safety of residents and visitors when illegal towing
from private property occurs at night; and
- (iii) that there is a risk to public health and safety when the vehicles of senior citizens and
persons with disabilities are illegally towed from private property; and
- (iv) that illegal towing from private property affects vulnerable populations when people of
limited economic means are required to pay hundreds of dollars to recover their vehicle, or are
subjected to deficiency claims by collection agencies if they could not afford to pick up their
vehicle even when though the vehicle was illegally towed; and

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Supervisor Peskin
BOARD OF SUPERVISORS

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1 (v) that the rights of vehicle owners when their vehicle is towed from private property,
2 as described in the California Vehicle Code, are extremely difficult for a citizens and visitors to
3 find and understand, especially for non-English speakers or those who speak English as a foreign
4 language; and

5 (vi) that there are no accessible resources for people to research their rights and
6 responsibilities with respect to private property tows; and

7 (vii) that requiring tow car firms to provide information on the legal rights of vehicle
8 owners at the time they reclaim their vehicle would be an effective way of informing vehicle
9 owners of their rights under California law when their vehicle is towed from private property;
10 and

11 (viii) that preventing illegal conduct by tow car operators when towing from private
12 property would reduce the economic burden on residents and visitors by eliminating the need to
13 go to small claims court after a vehicle owner has already paid to reclaim the vehicle; and

14 (ix) that consistent adherence to legal towing practices will substantially increase the
15 quality of life for residents and the experience of visitors to San Francisco.

16 (b) Definitions. For the purposes of this Article, "Brochure" shall mean a concise
17 summary of California law, including the maximum rate that can be legally charged for a private
18 property tow and the rights and responsibilities of all parties who participate in towing from
19 private property: real property owners, vehicle owners, tow car operators and tow car firms.

20 (c) Duties of tow car firm permittees. Every towing firm, or person to whom or for
21 whom a permit to operate a tow car firm has been granted pursuant to the provisions of this
22 Article shall display the Brochure in Chinese, Spanish and English in a conspicuous place in the
23 location where a vehicle owner must come to reclaim their towed vehicle so that the Brochure
24 may be easily seen by any person who is reclaiming their vehicle. A vehicle owner reclaiming
25

1 their vehicle must also be able to take a copy of the brochure Brochure in any language without
2 assistance from any employee of the tow car firm and before they have paid to reclaim their
3 vehicle. The tow car firm must maintain at least 50 copies of the brochure in each language on
4 the premises at all times.

5 (d) Duties of the Police Department. The Police Department shall:

6 (i) Develop the Brochure within 30 days of the effective date of this ordinance; and

7 (i) Arrange for translation of the Brochure into Chinese and Spanish; and

8 (ii) With the assistance of the City Attorney's Office, review the Brochure after July 1
9 of each year, and revise any provisions that are changed by state legislation or changes in public
10 towing contract prices; and

11 (iii) Arrange for production of the Brochure in sufficient quantities for all tow car firm
12 permittees and any City department that wishes to display the Brochure; and

13 (iv) Provide copies of the Brochure and display stands that are adequate to display the
14 Brochure in all of the required languages to any tow car firm permittee in sufficient quantities to
15 ensure the tow car firm's compliance with this Section, and to City departments upon request; and

16 (v) Post the Brochure, contact information for the San Francisco Small Claims Court
17 and the District Attorney's Office Consumer Protection Unit, and a list of current tow car firm
18 permittees on the Police Department's website.

19 (e) Funding. All costs of production, translation and distribution of the Brochure and
20 display stands shall be recovered by the Police Department from the permit fees assessed for tow
21 car firm and tow car operator permits.

22 (f) Penalties and Enforcement. Any tow car firm that fails to comply with
23 the requirements of subsection (c) of this Section may be assessed an administrative
24 penalty by the Police Department in accordance with San Francisco Administrative Code

1 Chapter 100, a copy of which is on file in Board of Supervisors File No. 081452 and
2 which is hereby incorporated by reference. The penalty for a violation shall be \$500.
3

4 APPROVED AS TO FORM:

5 DENNIS J. HERRERA, City Attorney

6
7 By:


8 CHRISTIANE JEAN HAYASHI
9 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081452

Date Passed:

Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car firms to display "Know Your Rights When Your Car is Towed from Private Property" brochure and setting administrative penalties.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081452

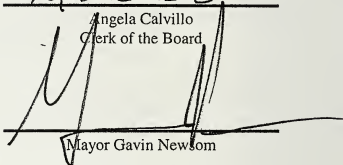
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Property Tax Refund Claim Processing]

Ordinance to amend Administrative Code §10.2 to delegate to City Attorney the authority to grant or deny property tax refund claims and to establish administrative rules and procedures for City Attorney to follow.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending section 10.2 to read as follows:

SEC. 10.2. AUTHORIZATION FOR THE ASSESSOR-RECORDER, CONTROLLER AND TAX COLLECTOR AND CITY ATTORNEY TO PERFORM CERTAIN ACTS.

(a) In accordance with Section 4804 of the Revenue and Taxation Code of the State of California, the Board of Supervisors of the City and County of San Francisco, hereby authorizes the Assessor-Recorder, the Controller and the Tax Collector of the City and County of San Francisco to perform on its behalf any act required or authorized to be performed by the Board of Supervisors of the County of San Francisco for the City and County of San Francisco under the following sections of the Revenue and Taxation Code regardless of amount of taxes involved:

- (a) Sections 166, 270, 271;
- (b) Sections 4831 through 4842,
both inclusive;
- (c) Sections 4985 through 4986,
both inclusive;

Supervisor Peskin
BOARD OF SUPERVISORS

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- 1 (d) Sections 5026 through 5029,
2 both inclusive;
3 (e) Sections 5061 through 5064,
4 both inclusive;
5 (f) Sections 5071 through 5073,
6 both inclusive;
7 (g) ~~Sections 5096 through 5097,~~
8 ~~both inclusive;~~
9 (h)—Sections 480 through 485,
10 both inclusive;

11 Provided, however, that the Controller of the City and County of San Francisco is
12 hereby required to record each act performed under this authorization; and provided further,
13 that the Assessor-Recorder shall make periodic reports, not less frequently than quarterly, to
14 the Board of Supervisors of any and all acts performed under this authorization.

15 Any act performed by the Assessor-Recorder under this authorization shall comply with the
16 following administrative rules and procedures:

- 17 1. If such act will increase the amount of taxes due, the Assessor-Recorder shall give the
18 Assessee opportunity for a hearing after at least five days' notice at which time the Assessee
19 may present objections to the change. The decision of the Assessor-Recorder in the matter is
20 final.
- 21 2. Any such act performed by the Assessor-Recorder under this authorization shall be
22 performed pursuant to a statement of findings reciting the facts found by the Assessor-
23 Recorder and further reciting the section or sections of the Revenue and Taxation Code
24 pursuant to which such act was performed.
- 25

1 In accordance with the request heretofore made by the City Attorney of the City and County of
2 San Francisco under Section 4804 of the Revenue and Taxation Code of the State of
3 California, there is hereby granted a waiver of the requirement for written consent of the
4 County Legal Advisor in any act performed under the provisions hereof.
5 The Controller may perform such acts in reliance upon action of the Assessor-Recorder as
6 provided herein as though such action was performed by the Board of Supervisors.

7 (b) Delegation of Authority to City Attorney to Grant or Deny Property Tax Refund
8 Claims.

9 As authorized by Section 4804 of the Revenue and Taxation Code of the State of
10 California, the Board of Supervisors of the City and County of San Francisco, hereby
11 delegates its authority to grant or deny claims for refunds of property taxes, as contemplated
12 by Sections 5096- 5097 and 5140-41 of the Revenue & Taxation Code, to the City Attorney.
13 The Controller shall record each grant or denial the City Attorney makes under this delegation
14 and may act in reliance on the City's Attorney's determination as though the Board of
15 Supervisors granted or denied the claim.

16 (1) Administrative Rules and Procedures.

17 (A) City Attorney's authority and duty to determine claim and notify claimant.

18 The City Attorney shall send the claimant a letter, by first class United States mail, that
19 states whether the claim is allowed, rejected, or rejected in part. The City Attorney shall
20 provide a copy of the letter to the Controller. The City Attorney's rejection letter will constitute
21 the Board's rejection of the claim and will start the claimant's limitations period to file a refund
22 action under Section 5141(a) of the Revenue & Taxation Code. Should the City Attorney fail to
23 mail notice of its decision on a claim within six months of its filing, the claimant may consider
24 the claim rejected under Section 5141(b) of the Revenue & Taxation Code and file an action
25 for refund.

1 (B) Presentation and form of property tax refund claim. The claimant shall present a
2 written property tax refund claim to the Controller. The claim shall include all of the information
3 required by Revenue & Taxation Code Section 5097.02 and shall be filed within the time
4 limitations in Section 5097(2). The City Attorney shall develop a form of property tax refund
5 claim which the Controller shall make available for use by claimants. The claimant may
6 present the claim by delivering it to the Controller's office or, as authorized by Revenue &
7 Taxation Code Section 2513, by mailing the claim to the Controller through the United States
8 mail, properly addressed, with postage prepaid.

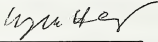
9 (C) Initial processing by Controller and disposition by City Attorney.
10 The Controller shall make and retain a copy of the claim, make a record of the name of
11 the claimant, the date claim was received, and the amount of the claim, then forward the
12 original version of the claim to the City Attorney.

13 (D) This Section 10.2(b) shall not apply if a property owner or other interested party
14 makes an election under Section 5097(b) of the Revenue & Taxation Code to have an
15 assessment appeal application serve as a refund claim.

16 (E) This procedure for determination of property tax refund claims is not part of
17 Article II, Settlement of Claims For and Against City and County (Section 10.20-1 and
18 following).

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By:

23 
24 Michael Slattery
25 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081451

Date Passed:

Ordinance to amend Administrative Code Section 10.2 to delegate to City Attorney the authority to grant or deny property tax refund claims and to establish administrative rules and procedures for City Attorney to follow.

December 9, 2008 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin,
Sandoval

Noes: 2 - Alioto-Pier, Dufty

January 6, 2009 Board of Supervisors — FINALLY PASSED

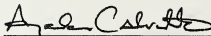
Ayes: 8 - Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Dufty

File No. 081451

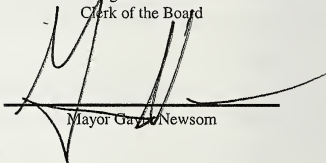
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

FILE NO. 081124

ORDINANCE NO.

13-09

[Prohibiting advertisements for alcoholic beverages on City property.]

**Ordinance amending the San Francisco Administrative Code by amending
Section 4.20, to prohibit advertisements for alcoholic beverages on City property.**

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending
Section 4.20, to read as follows:

**SEC. 4.20. TOBACCO PRODUCT AND ALCOHOLIC BEVERAGE ADVERTISING
PROHIBITION.**

(a) No advertising of cigarettes or tobacco products or alcoholic beverages shall be
allowed on any property owned by or under the control of the City and County of
San Francisco, except as exempted in subsections (c) and (d) below. For purposes of this
Section 4.20, "alcoholic beverage" shall be as defined in California Business and Professional Code
section 23004 and shall not include cleaning solutions, medical supplies, and other products and
substances not intended for drinking.

(b) This prohibition shall include the placement of the name of a company producing,
selling or distributing cigarettes or tobacco products or alcoholic beverages, or the name of any
cigarette or tobacco product or alcoholic beverages, in any promotion of any event or promotion
of any product or beverage on property owned by or under the control of the City and County of
San Francisco. This prohibition shall not apply to any advertisement sponsored by a state,
local, ~~or~~ nonprofit or other entity designed to (i) communicate the health hazards of cigarettes
and tobacco products ~~or to~~ alcoholic beverages, (ii) encourage people not to smoke or to stop

Supervisor Mirkarimi, McGoldrick
BOARD OF SUPERVISORS

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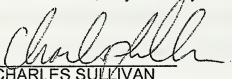
1 smoking, or encourage people not to drink alcohol or to stop drinking alcohol, or (iii) provide or
2 publicize drug or alcohol treatment or rehabilitation services.

3 (c) All leases, permits or agreements awarded by the City and County of
4 San Francisco allowing any person to use City property shall specifically provide that there
5 shall be no advertising of cigarettes or tobacco products or alcoholic beverages as set forth in this
6 Section 4.20. This prohibition on advertising shall only not apply to those leases, permits or
7 agreements except where its application would impair obligations of contract entered into,
8 renewed, or materially amended from and after the effective date of this ordinance.

9 (d) City property used for operation of a restaurant, concert or sports venue, or other
10 facility or event where the sale, production or consumption of alcoholic beverages is permitted,
11 shall be exempt from the alcoholic beverage advertising prohibition in subsections (a) and (b) through
12 (c) above, but this prohibition may be made applicable by lease, permit or agreement.

14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By:

17 
18 CHARLES SULLIVAN
19 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081124

Date Passed:

Ordinance amending the San Francisco Administrative Code by amending Section 4.20, to prohibit advertisements for alcoholic beverages on City property.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081124

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved

Angela Calvillo

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

FILE NO. 081564

ORDINANCE NO.

14-09

[Administrative Code – Amendment to Large Tourist Hotel Conversion Ordinance.]

Ordinance amending Administrative Code Chapter 41F to clarify the scope and implementation of the Large Tourist Hotel Conversion Ordinance, including minor edits to the definition of "Convert" and additional guidance regarding the conversion process for Large Tourist Hotels Rooms, and making required findings.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(1) On March 18, 2008, the Board of Supervisors adopted the Large Tourist Hotel Conversion Ordinance.

(2) The Board of Supervisors has determined that selected amendments to the ordinance will facilitate the efficient and orderly implementation of the Large Tourist Hotel Conversion Ordinance.

(3) On May 23, 2008 the Zoning Administrator promulgated a Bulletin and Letter of Determination setting forth the process that the Planning Department would follow to determine "complete applications" subject to first-come, first-served priority under Section 41F.3(b) of the Large Tourist Hotel Conversion Ordinance. ~~As amended on July 14, 2008, the~~ The Letter of Determination applied the principles of the Bulletin to establish a priority listing of pending projects ("Queue"). The Bulletin, Letter of Determination, and Queue contained errors that the Zoning Administrator requested the Board of Appeals correct. The Board of Appeals affirmed the Zoning Administrator's

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Supervisor Peskin
BOARD OF SUPERVISORS

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determination issued a decision on November 12, 2008, that corrected the Bulletin,
Letter of Determination, and Queue to conform with the Zoning Administrator's intent.

(4) The Board of Supervisors intends that these amendments apply
retroactively to the effective date of the original ordinance, April 24, 2008, except to the
extent that such application would abridge vested rights under the law.

Section 2. Environmental Findings. The Planning Department has determined
that the actions contemplated in this Ordinance are in compliance with the California
Environmental Quality Act (California Public Resources Code sections 21000 et seq.).
Said determination is on file with the Clerk of the Board of Supervisors in File No.

081564 and is incorporated herein by reference.

Section 3. The San Francisco Administrative Code Section 41F is hereby
amended to read as follows:

SEC. 41F: TOURIST HOTEL CONVERSION

SEC. 41F.1. TITLE.

This Chapter may be referred to as the Tourist Hotel Conversion Ordinance.

SEC. 41F.2. DEFINITIONS.

(a) "Baseline Inventory" shall mean an inventory of the number of Large
Tourist Hotel Rooms commercially available for rent as of March 1, 2009, as calculated
according to the process described in Section 41F.3(g). ~~The Planning Commission shall~~
~~adopt a Baseline Inventory reflecting the number of Large Tourist Hotel Rooms in the City as of~~
~~March 1, 2009, and shall update the Baseline Inventory annually thereafter and no later than~~
~~March 15 of each year. The Planning Department shall provide the public with an opportunity~~
~~for meaningful review and comment on the Baseline Inventory and annual updates, including a~~
~~public hearing. Rooms created by new Large Tourist Hotel Construction and/or expansion shall~~
~~qualify as additional Large Tourist Hotel Rooms in the year they obtain final certificates of~~

occupancy from the City, and shall be added to the Baseline Inventory. Losses to the City's Large Tourist Hotel inventory, including, but not limited to, Conversions, shall be subtracted from the Baseline Inventory.

(b) "Annual Inventory" shall mean the inventory of the number of Tourist Hotel Rooms commercially available for rent as updated in each year after the Baseline inventory, as calculated according to the process described in Section 41F.3(g).

(b) "Condominium Project" shall mean (i) a Community Apartment as defined in Section 1308(b) of the Subdivision Code; (ii) a Condominium as defined in Section 1308(c) of the Subdivision Code; (iii) a Stock Cooperative as defined in Section 1308(f) of the Subdivision Code; or (iv) any other subdivided interest in land.

(ed) "Convert" shall mean: (i) to change the type of ownership of any real property to that defined as a Condominium Project and in which two or more units are newly created wholly or in substantial part within the existing structure of a Large Tourist Hotel, regardless of whether substantial improvements have been made to such structures; or (ii) to change the ownership structure of one or more guest rooms, one or more suites of rooms, or any portion thereof within an existing Large Tourist Hotel in a manner that reduces the number of Large Tourist Hotel Rooms available for rent to the general public.

(de) "Dwelling Unit" shall mean any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation as required by the Housing Code, for not more than one Family.

(ef) "Family" shall mean one or more persons, related or unrelated, living together as a single integrated household in a dwelling unit.

(fg) "Large Tourist Hotel" shall mean any building in the City containing 100 or more guest rooms or suites of rooms intended or designated to be used for commercial

1 tourist use by providing accommodation to transient guests on a nightly basis or longer,
2 as contemplated by Section 216(b) of the Planning Code. The definition of Large
3 Tourist Hotel shall include, for purposes of this Chapter, a building (or set of buildings,
4 which shall mean buildings on the same lot, adjacent lots, or within the same block and
5 owned by the same entity) which would have qualified as a Large Tourist Hotel in any of
6 the five years preceding the application for Conversion. A building (or set of buildings)
7 shall not be considered a Large Tourist Hotel if the total number of rooms intended to be
8 operated separately for transient use is less than 100 rooms.

9 (gh) "Large Tourist Hotel Room" shall mean any guest room, suite of rooms, or
10 any portion thereof in a Large Tourist Hotel intended or designated to be used for
11 commercial tourist use by providing accommodation to transient guests on a nightly
12 basis or longer, as contemplated by Section 216(b) of the Planning Code.

13 (hi) "Ancillary Hotel Area" shall mean any area within a Large Tourist Hotel not
14 defined as a Large Tourist Hotel Room, including, but not limited to, restaurant, retail,
15 and parking areas.

16 SEC. 41F.3. CONVERSIONS RESTRICTED..

17 (a) General Prohibition. It shall be unlawful for any person to Convert any
18 portion of a Large Tourist Hotel except as provided in this Chapter. Notwithstanding
19 Conversion approval under this Chapter, a Conversion project must in addition obtain all
20 applicable City permits and approvals, including any applicable conditional use authorization
21 requirements. This Chapter shall not limit City discretion to deny or approve with conditions a
22 proposed Conversion project.

23 (b) Conversion prior to March November 1, 2010. Notwithstanding the
24 foregoing restriction, the Planning Commission may approve use of Conversion credits
25 for a total of up to 550 Large Tourist Hotel Rooms to be Converted prior to March

1 November 1, 2010. The Planning Commission shall approve applications for
2 Conversions under this section on a first-come first-served basis. An Applicant's place
3 in the Conversion queue for the 550 pre-lottery Conversion credits shall be based upon the
4 date the Planning Department receives a complete subdivision or environmental
5 application, as determined by the Zoning Administrator, and provided the application or
6 subsequent written communication identifies the number of tourist hotel rooms to be Converted.

7 (c) Ancillary Hotel Areas. A person may Convert all or any portion of an
8 Ancillary Hotel Area upon a showing that the Conversion shall not result in a reduction
9 in the number of Large Tourist Hotel Rooms in the subject hotel. Notwithstanding
10 Conversion approval under the Chapter, a Conversion project must in addition obtain all
11 applicable City permits and approvals, including any applicable conditional use authorization
12 requirements. This Chapter shall not limit City discretion to deny or approve with conditions a
13 proposed Conversion project.

14 (d) Conversion Lottery. Beginning in 2010, the Planning Department shall
15 hold an annual lottery for Conversion credits for Large Tourist Hotel Rooms in
16 accordance with the following:

- 17 (1) The Planning Department shall hold the lottery only if:
- 18 (i) The Annual update to the Baseline Inventory shows a net increase of
19 at least 100 Large Tourist Hotel Rooms over the prior year's inventory, as calculated in
20 Section 41F.3(g) below; and -during the previous Baseline Inventory year. Large Tourist Hotel
21 Rooms lost through authorized conversions shall not be considered for purposes of calculating
22 the net increase in Large Tourist Hotel Rooms under this section; and
- 23 (ii) Conducting a lottery would not result in a reduction in the number of
24 Large Tourist Hotel Rooms below the 2009 Baseline Inventory, except as provided in Section
25 41F.3(g) below. The number of existing Large Tourist Hotel Rooms exceeds the March 2010

1 ~~Baseline Inventory by at least the number of Conversion credits available in the proposed lottery~~
2 ~~pursuant to subsection (d)(2), below.~~

3 (2) The number of Conversion credits available in each lottery shall equal the
4 net increase in Large Tourist Hotel Rooms during the previous year's inventory. Baseline
5 ~~Inventory year, not including Conversions authorized by lottery credits.~~ Large Tourist Hotel
6 Rooms lost through authorized Conversions shall not be considered for purposes of
7 calculating the net increase in Large Tourist Hotel Rooms under this section, as
8 described in Section 41F.3(g), below.

9 (3) In order to participate in the conversion credit lottery, applicants must
10 submit a Section 41F.3(f)(2) 41F.3(f)(3) application within 15 business days of the
11 formal adoption of the Baseline Annual Inventory update. The Planning Department shall
12 issue one lottery ticket per Large Tourist Hotel applicant. Only one application may be
13 submitted per Large Tourist Hotel.

14 (4) The Planning Department shall hold the lottery at a public hearing within 6
15 weeks of the formal adoption of the Baseline Annual Inventory update. Winning lottery
16 tickets shall be chosen randomly, one at a time. If not enough credits remain in the pool
17 to satisfy a winning ticket, then the applicant shall receive the number of credits
18 remaining in the pool and be eligible to receive the remainder as the first applicant on the
19 standby list. If a lottery would otherwise be required by the Chapter and the number of
20 available credits exceeds the total number of applicants' requests for Conversion credits
21 in a particular year, then the credits shall be granted and no lottery shall take place.

22 (5) If applicants collectively seek more Conversion credits than are available
23 in the lottery pool, then, after the last winning ticket is drawn, the Planning Department
24 shall draw a reasonable number of alternate tickets for inclusion in a standby list. If,
25 nine months after the lottery, the Planning Department revokes winning credits

1 according to subsection (e)(2), below, the credits shall be reallocated to the standby list,
2 in the order drawn.

3 (e) Large Tourist Hotel Conversion Credits.

4 (1) ~~Except as provided in Sections 41F.3(b) or (c),~~ Conversion is prohibited
5 unless the applicant uses Conversion credits to offset the loss of Large Tourist Hotel
6 Rooms. ~~A lottery~~ An award of ~~Large Tourist Hotel~~ Conversion credits does not grant the
7 credit-holder a right to development or otherwise limit City discretion to deny or approve
8 with conditions a proposed Conversion project. A credit holder must still obtain all
9 otherwise applicable City permits and approvals, including but not limited to Planning
10 Commission approval of the Conversion pursuant to Section 41F.3(f).

11 (2) Credits are building-specific and non-transferable, except that if the credit
12 holder does not make diligent and good faith efforts within nine months of issuance of the
13 Conversion credit(s) ~~the lottery in support of Conversion~~, the credits ~~will~~ may be revoked and
14 reallocated to the Queue queue, for pre-lottery credits, or the standby list for lottery
15 credits. Credits shall permanently expire if the applicant or standby-list recipient fails to
16 diligently and in good faith pursue Conversion for any ~~12~~ 18 consecutive months, as
17 determined by the Zoning Administrator after notice and a public hearing. The Board of
18 Appeals shall hear and determine appeals under this section.

19 (f) Conversion Process.

20 (1) The City may not issue permits related to use of pre-lottery or lottery Conversion
21 credits until and unless the Planning Commission approves a Section 41F.3(g) 41F.3(f)
22 Conversion application for the proposed Conversion project.

23 (12) The notice and hearing requirements applicable to conditional use
24 authorizations shall apply to ~~all~~ Planning Commission's action to approve or deny
25 Conversion applications for use of Conversion credits decisions under this Chapter.

1 (23) Any party seeking Conversion under this Chapter shall submit a written
2 Conversion application to the Planning Department containing, at minimum, the
3 following information:

4 (i) The name and address of the building in which the conversions are
5 proposed;

6 (ii) The names and addresses of all owners and operators of said
7 building;

8 (iii) A description of the proposed Conversion including the nature of
9 the Conversion, the total number of Large Tourist Hotel Rooms prior to and following
10 Conversion, a description of the area and/or rooms to be Converted, including floor
11 number and location, and the estimated total number of Condominium Units to be
12 created;

13 (iv) Preliminary drawings showing the existing floor plans and proposed
14 floor plans;

15 (v) A description of the improvements or changes proposed to be
16 constructed or installed and the tentative schedule for start of construction;

17 (vi) Information specifying any changes to the subject building or
18 buildings' inventory of rooms in the 5 years preceding the date of application for
19 Conversion;

20 (vii) The average rental rates of the rooms to be converted, calculated
21 over the calendar year preceding the year of application for Conversion;

22 (viii) Applicants for the lottery must provide information demonstrating
23 that the Conversion will not reduce the supply of Large Tourist Hotel Rooms to levels
24 below the based upon the most recent Baseline Inventory.

(ix) Applicants for Ancillary Hotel Area Conversion must provide information demonstrating that the proposed Conversion will not result in loss of Large Tourist Hotel Rooms in the subject Large Tourist Hotel, including specifying any proposed changes to the subject buildings' inventory of rooms planned in the 5 years following the date of application for Conversion.

(x) Applicants for Conversion must pay the Planning Department a processing fee set by the Planning Director at a full cost recovery level.

(xi) As a condition of approval, an applicant must provide annual updates to the Planning Department on the status of the approved Conversions until such time as the Conversions are complete or the approved Conversion credits have been used, revoked, or have expired.

~~(3)~~(4) The Zoning Administrator shall make a recommendation regarding the approval, denial, or approval with conditions of the Conversion application to the Planning Commission, based upon whether the proposed Conversion meets Planning Code requirements including, but not limited to, this Chapter. The Planning Commission shall approve the Conversion, deny it, or approve it with conditions. Any member of the public wishing to appeal the decision of the Planning Commission must appeal the decision to the Board of Supervisors pursuant to the appeals process set forth in Section 308 of the Planning Code.

(g) Annual Inventory Procedure.

(1) Adoption of Annual Inventory. The Planning Commission shall adopt a Baseline Inventory and subsequent Annual Inventories of the number of Large Tourist Hotel Rooms in the City as of March 1 of each year. The Planning Department shall provide the public with an opportunity for meaningful review and comment on Baseline and Annual Inventories, including a public hearing no later than March 15th of each year.

1 (2) Calculating Additions to the Annual Inventory. Large Tourist Hotel Rooms
2 created by new Large Tourist Hotel construction and/or expansion shall be counted as part of
3 the Annual Inventory year in which the City issues final certificates of occupancy.

4 (3) Calculating Losses from the Annual Inventory.

5 (i) Losses of Large Tourist Hotel Rooms shall count in the inventory year in
6 which the rooms cease to be commercially available for rent.

7 (ii) In conducting its Annual Inventory, the Planning Department will
8 distinguish how many Large Tourist Hotel Rooms were lost due to authorized Conversions, and
9 how many were lost for other reasons.

10 (4) Calculating the number of Conversion credits available for the annual lottery.
11 The number of Conversion credits available for each year's lottery shall equal the number of
12 additions as calculated in subsection (2) above, less the number of rooms lost due to reasons
13 other than authorized Conversions, as calculated in subsection (3) above.

14
15 SEC. 41F.4. ENFORCEMENT.

16 (a) The Department of Building Inspection, in consultation with the
17 Departments of Planning and Public Works, shall be responsible for enforcement of this
18 Chapter as it may relate to physical alterations to a Large Tourist Hotel and may take
19 any appropriate action within its powers to enforce this Chapter, including, but not
20 limited to, denial of any building, construction, or change of use permits. The
21 Department of Public Works, in consultation with the Departments of Building Inspection
22 and Planning, shall be responsible for enforcement of this Chapter as it may relate to
23 actions involving a subdivision under the Subdivision Map Act, California Government
24 Code Sections 66410 et seq.

25 (b) Civil Penalties.

1 (1) The Department of Building Inspection or the Department of Public Works
2 may recommend to the City Attorney initiation of a civil action hereunder. The City
3 Attorney shall have the power to bring an action for injunctive relief to restrain or
4 summary abatement to cause the correction or abatement of the violation of this article
5 and for assessment and recovery of a civil penalty and reasonable attorney's fees for
6 such violation, or other judicial relief hereunder.

7 (2) Any person who violates this Article may be liable for a civil penalty, not to
8 exceed \$500 per room for each day such violation is committed or permitted to
9 continue, which penalty shall be assessed and recovered in a civil action brought in the
10 name of the people of the City by the City Attorney in any court of competent
11 jurisdiction. The City Attorney also may seek recovery of the attorney's fees and costs
12 incurred in bringing a civil action pursuant to this Section.

13 (c) Criminal Penalties.

14 (1) The Department of Building Inspection or the Department of Public Works
15 may recommend to the District Attorney initiation of a criminal action hereunder.

16 (2) Any person who violates this Article shall be deemed guilty of a
17 misdemeanor. Every violation determined to be a misdemeanor is punishable by a fine
18 of not more than \$1,000 or by imprisonment in the County Jail for a period of not more
19 than six months, or by both such fines or imprisonments.

20 SEC. 41F.5. SUNSET PROVISION.

21 This Chapter shall automatically expire by operation of law 120 months after its
22 initial effective date unless the Board of Supervisors, on or before that date, extends or
23 re-enacts it. The City Attorney shall cause the Chapter to be removed from future
24 editions of the Code.

25 SEC. 41F.6. SEVERABILITY.

1 In the event that a court or agency of competent jurisdiction holds that a federal
2 or state law, rule or regulation invalidates any clause, sentence, paragraph or section of
3 this ordinance or the application thereof to any person or circumstances, it is the intent
4 of the Board of Supervisors that the court or agency sever such clause, sentence,
5 paragraph or section so that the remainder of this ordinance shall remain in effect.

6
7 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

8
9 By:


Andrew W. Garth
Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081564

Date Passed:

Ordinance amending Administrative Code Chapter 41F to clarify the scope and implementation of the Large Tourist Hotel Conversion Ordinance, including minor edits to the definition of "Convert" and additional guidance regarding the conversion process for Large Tourist Hotel Rooms, and making required findings.

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

January 6, 2009 Board of Supervisors — FINALLY PASSED

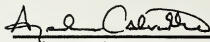
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

File No. 081564

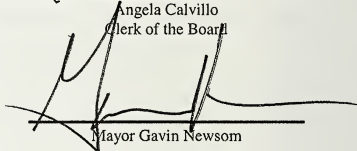
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on January 6, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/16/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Appropriating \$500,000 of Revenue from PGA Tournament Agreement for Harding Park PGA Related Improvements for the Recreation and Park Department in Fiscal Year 2008-2009.]

Ordinance appropriating \$500,000 of Revenue from the Professional Golf Association (PGA) Tournament Agreement for staffing and improvements to the Harding park Golf Course per the PGA Tournament Agreement at the Recreation and Park Department for Fiscal Year 2008-2009.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available for Fiscal Year 2008-2009.

SOURCES Appropriation

Fund	Index Code / Project	Subobject	Description	Amount
2S GOL CPR – Golf	RECGOLFPGA /	62699 – Other	Revenue from PGA	\$500,000
Fund Continuing	PRPGLF PG09 –	Recreational	Tournament	
Projects	Golf PGA	Service Charges	Agreement	
	Tournament			
Total SOURCES Appropriation				\$500,000

Section 2. The uses of funding outlined below are herein appropriated in the Subobject 06P00- Programmatic Projects Budget and reflects the projected uses of funding to support the improvements to Harding Park Golf Course per PGA Tournament Agreement at the

GOVERNMENT
DOCUMENTS DEPT

Supervisor Elsbernd
Board of Supervisors

MAR - 2 2009

Page 1 of 2

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Recreation and Park Department for Fiscal Year 2008-2009.

USES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
2S GOL CPR – Golf	RECGOLFPGA /	06P00 –	Improvements	\$500,000
Fund Continuing	PRPGLF PG09 –	Programmatic	to Harding	
Projects	Golf PGA	Projects Budget	park Golf	
	Tournament		Course	
Total USES Appropriation				\$500,000

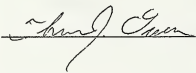
FUNDS AVAILABLE

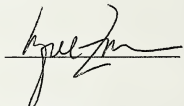
APPROVED AS TO FORM:

BEN ROSENFELD

DENNIS J. HERRERA, City Attorney

Controller

By: 

By: 

Deputy City Attorney

Date: 11/03/2008



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081442

Date Passed:

Ordinance appropriating \$500,000 of Revenue from the Professional Golf Association (PGA) Tournament Agreement for staffing and improvements to the Harding Park Golf Course per the PGA Tournament Agreement at the Recreation and Park Department for Fiscal Year 2008-2009.

January 6, 2009 Board of Supervisors — PASSED ON FIRST READING

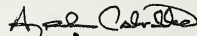
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

January 13, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 081442

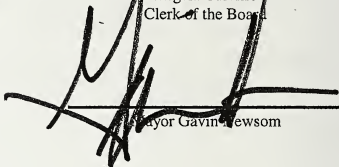
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 13, 2009
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

1/21/09

Date Approved



Mayor Gavin Newsom

FILE NO. 081275

ORDINANCE NO. 16-09

[Summary Vacation of Stevenson Street between ~~8th and 9th Street~~ east of 10th Street.]

Ordinance ordering the summary vacation of a portion of Stevenson Street between ~~8th and 9th Street~~ east of 10th Street; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds, determines and declares as follows:

A. The City and 1355 Market Street Associates, L.P. (the "Owner") have negotiated an Agreement for Sale of Real Property (the "Purchase and Sale Agreement") under which the City agreed to sell to the Owner a portion of Stevenson Street east of 10th Street, subject to the prior vacation of such portion of Stevenson Street. As set forth in the Purchase and Sale Agreement, any such vacation shall be made and determined by the Board of Supervisors in its sole discretion. The Purchase and Sale Agreement and other real estate transactional documents, including declarations of restrictions and a public access easement, are part of companion legislation on file with the Clerk of the Board of Supervisors in File No. 081276 and are incorporated herein by reference.

B. The Department of Public Works has advised the City's Real Estate Division of the following there are no in-place public utility facilities that are in use that would be affected

1 by vacation other than the facilities of AT&T and the San Francisco Public Utilities
2 Commission, which the Owner will address prior to the effective date of the vacation as set
3 forth below in Subsection C.

4 C. Section 8334 of the California Streets and Highways Code provides that the
5 legislative body of a local agency may summarily vacate an excess right-of-way of a street,
6 highway or public easement under certain circumstances. In particular, Section 8334
7 provides that the legislative body of a local agency may summarily vacate a street when a
8 portion of a street lies within the property under one ownership and does not continue through
9 such ownership or end touching property of another. In this instance, Stevenson Street is a
10 dead end surrounded on three sides by a one property owner. In addition, Section 8334.5 of
11 the California Streets and Highways Code allows for a summary vacation only if there are no
12 in-place utility facilities that are in use and would be affected by the vacation. Because the
13 Owner will address the in-place functioning utilities to the satisfaction of all utility operators
14 prior to the Closing (as defined in the Purchase and Sale Agreement), the continued function
15 and capacity of such facilities will not be affected.

16 D. The Director of Planning, by letter dated November 15, 2007, found that the
17 vacation and sale is categorically exempt from environmental review and is in conformance
18 with the City's General Plan, which letter is on file with the Clerk of the Board of Supervisors
19 under File No. 081276.

20 E. In ~~DPW-Order-No.~~ a letter dated December 5, 2008, the Director of Public Works
21 determined that a summary vacation is appropriate in this instance and recommended such
22 action to the Board of Supervisors. This ~~Order~~ letter is on file with the Clerk of the Board of
23 Supervisors under File No. 081276 and is incorporated herein by reference.

1 F. Pursuant to the Streets and Highways Code Section 892, the Board hereby finds
2 and determines that the portion of Stevenson Street to be vacated hereunder, as shown in
3 DPW SUR Map No. 1008, (the "Vacated Property") is a dead end street, and therefore has
4 no use for a nonmotorized transportation facility. A copy of such map is on file with the Clerk
5 of the Board of Supervisors in File No. 081276 and is incorporated herein by reference.

6 Section 2. The public conveyance and necessity require that no easements or other
7 rights be reserved for any public utility facilities and that any rights based upon any such
8 public utility facilities shall be extinguished automatically upon the effectiveness of the
9 vacation hereunder.

10 Section 3. The Board finds and determines that the Vacated Property is
11 unnecessary for present or prospective public use and that the public interest and
12 convenience require that the vacation be done as declared in this Ordinance, provided that
13 the Vacated Property is sold and thereafter developed as contemplated by and set forth in the
14 Purchase and Sale Agreement.

15 Section 4. The Board of Supervisors hereby finds that the summary vacation and
16 sale of the Vacated Property is, on balance, in conformity with the General Plan and
17 consistent with the Eight Priority Policies of Planning Code Section 101.1 for the same
18 reasons as set forth in the letter of the Director of Planning dated November 15, 2007, and
19 hereby incorporates such findings by reference as though fully set forth in this Ordinance.

20 Section 5. Pursuant to California Streets and Highways Code Sections 8330 et seq.
21 (Public Streets, Highways, and Service Easement Vacation Law, Summary Vacation) and
22 Section 787 of the San Francisco Public Works Code, the Board orders the summary vacation
23 of the Vacated Property immediately prior to the sale of the Vacated Property to the Owner.
24 The Clerk of the Board of Supervisors and the Director of Property shall be authorized, and
25

1 the Clerk shall be directed, to record or cause to be recorded in the Official Records of the
2 City and County of San Francisco a certified copy of this Ordinance ordering such vacation as
3 provided in Section 8335(a) of the California Streets and Highways Code at the Closing (as
4 defined in the Purchase and Sale Agreement), and thereupon such vacation shall be effective
5 without any further action by the Board of Supervisors. Immediately following the recordation
6 of this Ordinance, the Director of Property is authorized to record the Deed, as defined in and
7 in accordance with the Purchase and Sale Agreement. In the event that the Closing does not
8 occur for any reason, then this Ordinance shall be null and void and shall not be recorded.

9 Section 6. The Clerk of the Board, Director of Property, and Director of Public Works
10 are hereby authorized and directed to take any and all actions that they or the City Attorney
11 may deem necessary or advisable in order to effectuate the purpose and intent of this
12 Ordinance.
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1 RECOMMENDED:

2
3 SEE FILE FOR SIGNATURE

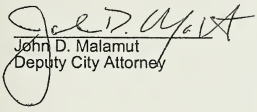
4 AMY L. BROWN
Director of Property

5
6 SEE FILE FOR SIGNATURE

7 ED REISKIN
Director of Public Works

8
9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By:

13 
John D. Malamut
14 Deputy City Attorney



City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081275

Date Passed:

Ordinance ordering the summary vacation of a portion of Stevenson Street east of 10th Street; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance.

January 6, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

January 13, 2009 Board of Supervisors — FINALLY PASSED

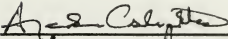
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 081275

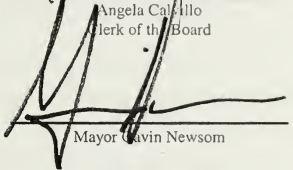
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 13, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/21/09

Date Approved



Angela Calillo
Clerk of the Board



Mayor Gavin Newsom

[Continuation of existing taxi fares and gate fee cap.]

Ordinance amending Section 1137 of the Police Code to maintain current taxi fares and gate fee cap.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended by amending Section 1137, to read as follows:

SEC. 1137. REVIEW OF RATES OF FARE AND CAP ON GATE FEES.

The rates provided in Sections 1135 and 1136 of this Article and the cap on gate fees provided in Section 1135.1 of this Article shall be reviewed by the Controller in even-numbered years, beginning with 2004. Not later than August 1st of each even-numbered year, the Controller shall transmit to the Board of Supervisors a determination as to increases or decreases in the rates of fare for taxicabs and an increase or decrease in the cap on gate fees based upon changes in the Consumer Price Index since the prior determination, and related information submitted to the Controller pursuant to Section 1095(b) of this Article. The Controller's August 1, 2004 determination as to increases or decreases in the rates of fare for taxicabs and an increase or decrease in the cap on gate fees shall be based upon changes in the Consumer Price Index since January 1, 2003, and related information submitted to the Controller pursuant to Section 1095(b) of this Article. In addition, the Controller's August 1, 2004 determination both as to increases or decreases in the rates of fare for taxicabs and as to an increase or decrease in the cap on gate fees shall include appropriate adjustments to ensure, in accordance with the procedure provided for in Section 1137.5 of this Article, that

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Supervisors Daly, Peskin, Mirkarimi
BOARD OF SUPERVISORS

MAR - 2 2009

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1 appropriate sums are collected to offset the increased monthly cost of paratransit scrip
2 incurred by the paratransit program, except if the voters of the City and County of San
3 Francisco have reauthorized a new sales tax to fund transportation.

4 The Controller's determination as to increases or decreases in the rates of fare for
5 taxicabs and an increase or decrease in the cap on gate fees shall take effect on November 1
6 of the even-numbered year in which the Controller makes the determination, and shall remain
7 in effect through October 31 of the next even-numbered year, unless the following events
8 occur: (i) By September 1 of the even-numbered year in which the Controller makes the
9 determination the Board of Supervisors by resolution determines that the Board, or a
10 committee thereof, should hold a hearing on the Controller's determination; (ii) by October 1 of
11 that year a hearing is held in accordance with the aforementioned resolution; and (iii) by
12 October 31 of that year the Board adopts a resolution disapproving or modifying the
13 Controller's determination. Any resolution modifying the Controller's determination shall be
14 based upon changes in the Consumer Price Index, costs recently incurred and expected to be
15 incurred by drivers and color scheme permitholders, projected income of drivers and projected
16 revenues of color scheme permitholders, and local economic conditions. If all three events
17 occur, the Controller's determination shall not go into effect on November 1 of that year.

18 The Controller's determination as to increases or decreases in the rates of fare for
19 taxicabs and an increase or decrease in the cap on gate fees shall, beginning January 1,
20 2006, treat the higher mean gate fee cap of \$91.50, provided for in Section 1135.1(b), as if it
21 were \$90.00 when instituted, and treat the higher meter rate of \$2.85 for the first fifth of a mile
22 or "flag," as provided for in Section 1135(a), as if it were \$2.75 when instituted. In addition, the
23 Controller's determination as to increases or decreases in the rates of fare for taxicabs and an
24 increase or decrease in the cap on gate fees shall, beginning January 1, 2006, make a similar
25

1 accounting for any adjustments made in the Controller's August 1, 2004 determination
2 designed to offset increased costs to the paratransit program arising from further increases in
3 meter rates.

4 In cases where the holder of more than one permit to operate a sedan, limousine or
5 taxicab fails to render a financial report within the time prescribed and in such form as the
6 Controller may request, for the purpose of reviewing the rates of fare for taxicabs and the cap
7 on gate fees and making a determination as to increases or decreases in the rates of fare for
8 taxicabs and an increase or decrease in the cap on gate fees, such failure shall be a basis for
9 cancellation of such permits by the Taxi Commission, provided such cancellation is approved
10 by the Board of Supervisors.

11 Notwithstanding the other provisions of this Section, or any other provision of this Article, any
12 change in the rates of fare for taxicabs and in the cap on gate fees based on the Controller's report for
13 the even-numbered year 2008 shall not go into effect. The rates of fare for taxicabs and the cap on gate
14 fees in effect on November 25, 2008 shall remain in effect.

15 Section 2. On January 14, 2009, changes in the rates of fare for taxicabs and in the
16 cap on gate fees based on the Controller's report for 2008 go into effect. Once Ordinance
17 No. _____ goes into effect, the rates of fare for taxicabs and cap on gate fees shall revert to
18 the rates of fare for taxicabs and the cap on gate fees in effect on November 25, 2008.

19
20 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

21 By: Paul Zarefsky
22 PAUL ZAREFSKY
23 Deputy City Attorney
24
25



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081505

Date Passed:

Ordinance amending Section 1137 of the Police Code to maintain current taxi fares and gate fee cap.

January 6, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

January 13, 2009 Board of Supervisors — FINALLY PASSED

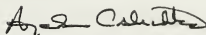
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 081505

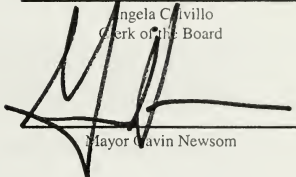
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 13, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/21/09

Date Approved



Angela Civillo
Clerk of the Board



Mayor Gavin Newsom

[Planning Code—Amending Article 11 Designation of 545-547 Mission Street.]

Ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) On October 18, 2007, at a duly noticed public hearing, the Planning Commission in Resolution No. 17500 found that the proposed amendment to the Article 11 designation of 545-547 Mission Street was consistent with the City's General Plan and with Planning Code Section 101.1(b). In addition, the Planning Commission recommended that the Board of Supervisors adopt the Article 11 designation amendment. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 080126 and is incorporated herein by reference. The Board finds that the proposed amendment to the Article 11 designation is consistent with the City's General Plan and with Planning Code Section 101.1(b) for the reasons set forth in said Resolution.

(b) Pursuant to Planning Code Section 302, the Board finds that the proposed amendment to the Article 11 designation will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 17500, which reasons are incorporated herein by reference as though fully set forth. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 080126.

Supervisors Peskin, Maxwell
Planning Commission
BOARD OF SUPERVISORS

GOVERNMENT
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MAR - 2 2009

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1 (c) The Planning Department has determined that the actions contemplated in this
2 Ordinance are in compliance with the California Environmental Quality Act (California Public
3 Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the
4 Board of Supervisors in File No. 080126 and is incorporated herein by reference.

5 (d) The Board of Supervisors hereby finds that 545-547 Mission Street (Assessor's
6 Block 3721, Lot 082), is located outside a designated Conservation District, is over 40 years
7 old, has been judged to be of Individual Importance and has been rated Very Good in
8 Architectural Design, and that amending its designation from Category V (Unrated) to
9 Category III (Contributory) will further the purposes of and conform to the standards set forth
10 in Article 11 of the San Francisco Planning Code.

11 Section 2: Designation.

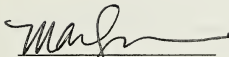
12 (a) Pursuant to Sections 1102 and 1106 of the Planning Code, the designation of
13 545-547 Mission Street (Assessor's Block 3721, Lot 082) is hereby changed from Category V
14 (Unrated) to Category III (Contributory). Appendix C of Article 11 is hereby amended to
15 include this property.

16 (b) This amendments to the Article 11 designation was initiated by application of the
17 owner and by Resolution No. 616 of the Landmarks Preservation Advisory Board on August
18 15, 2007 and by Resolution No. 17500 of the Planning Commission, which Resolutions are on
19 file with the Clerk of the Board of Supervisors in File No. 080126 and which
20 Resolutions are incorporated herein by reference as though fully set forth.

21 Section 3. The properties shall be subject to further controls and procedures pursuant
22 to the San Francisco Planning Code and Article 11.

23 APPROVED AS TO FORM:
24 DENNIS J. HERRERA, City Attorney

1 By:



2 Marlena G. Byrne
3 Deputy City Attorney
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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080126

Date Passed:

Ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

January 6, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

January 13, 2009 Board of Supervisors — FINALLY PASSED

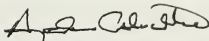
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 080126

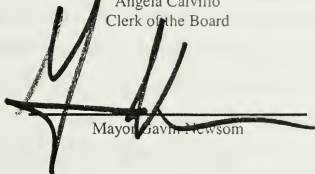
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 13, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/21/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

FILE NO. 070546

ORDINANCE NO. 19-09

[Zoning Map Amendment – Northwest corner of Divisadero and O'Farrell Streets, Block 1098, Lot 9.]

Ordinance amending the San Francisco Planning Code by amending Sectional Map 2 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

A. On May 15, 2008 at a duly noticed public hearing, the Planning Commission in Motion No. 17594 found that the proposed zoning reclassification and map amendment were consistent with the City's General Plan and with Planning Code Section 101.1(b). In addition, the Planning Commission, in Resolution No. 17593, recommended that the Board of Supervisors adopt the zoning map amendment. Copies of said Resolution and Motion are on file with the Clerk of the Board of Supervisors in File No. 070546 and are incorporated herein by reference. The Board finds that the proposed zoning reclassification and map amendment are consistent with the City's General Plan and with Planning Code Section 101.1(b) for the reasons set forth in said Resolution and Motion.

1 B. Pursuant to Planning Code Section 302, the Board finds that the proposed
2 zoning reclassification and map amendment will serve the public necessity, convenience and
3 welfare for the reasons set forth in Planning Commission Resolution Motion No. 17594, which
4 reasons are incorporated herein by reference as though fully set forth.

5 C. Environmental Findings. ~~The Planning Department has determined that the~~
6 ~~actions contemplated in this Ordinance are in compliance with the California Environmental~~
7 ~~Quality Act (California Public Resources Code section 21000 et seq.). Said determination is~~
8 ~~on file with the Clerk of the Board of Supervisors in File No. _____ and is~~
9 ~~incorporated herein by reference. On April 10, 1997, the Planning Commission certified a~~
10 ~~Final Environmental Impact Report (FEIR) for a project entitled the San Francisco Kaiser~~
11 ~~Medical Center Geary Campus Development Project, which included reclassification of the~~
12 ~~subject property. On May 1, 2008, the Planning Department published an Addendum to the~~
13 ~~1997 FEIR, which determined that the revised project would not cause new significant~~
14 ~~environmental impacts not previously identified in the FEIR nor would it substantially increase~~
15 ~~the severity of impact previously identified in the FEIR. The Planning Commission, by Motion~~
16 ~~No. 17594 and Resolution No. 17593, made findings under the California Environmental~~
17 ~~Quality Act (Public Resources Code section 21000 et seq.) ("CEQA"), which findings are~~
18 ~~incorporated herein by reference as though fully set forth. The Board has reviewed and~~
19 ~~considered the 1997 FEIR and the 2008 Addendum and, in light of the whole record before it,~~
20 ~~makes the following additional findings:~~

21 1. The proposed project, including this rezoning, is consistent with and within the
22 scope of the Project analyzed in the 1997 FEIR and the 2008 Addendum and would not result
23 in any new significant impacts compared to those determined for the 1997 EIR project. The
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25

1 Addendum was prepared in accordance with the requirements of Section 15164 of the
2 Guidelines.

3 2. Under Section 15162 of the CEQA Guidelines, a subsequent EIR is not required. In
4 light of the whole record before the Board, the Board finds on the basis of substantial
5 evidence in the record that: (a) no substantial changes have occurred in the Project
6 proposed for approval that will require revisions in the FEIR due to the involvement of new
7 significant environmental effects or a substantial increase in the severity of previously
8 identified significant effects, no substantial changes have occurred with respect to the
9 circumstances under which the proposed project, including the rezoning, are undertaken that
10 will require major revisions to the FEIR due to the involvement of new environmental effects or
11 a substantial increase in the severity of effects identified in the FEIR and no new information
12 of substantial importance has become available which indicates that (1) the proposed project,
13 including the rezoning, will have significant effects not discussed in the FEIR, (2) significant
14 environmental effects will be substantially more severe, (3) mitigation measure or alternatives
15 found not feasible that would reduce one or more significant effects have become feasible or
16 (4) mitigation measures or alternatives which are considerably different from those in the FEIR
17 would substantially reduce one or more significant effects on the environment.

18 3. In the conditions of approval attached as Exhibit C to Planning Commission
19 Motion No. 17594, the Project Sponsor has agreed to comply with the measures set forth in
20 the Mitigation Monitoring and Reporting Program (MMRP). The Board hereby adopts the
21 MMRP (Exhibit C to Planning Commission Motion No. 17594), which is on file with the Clerk
22 of the Board of Supervisors in File No. 070546 and is incorporated herein by
23 reference.

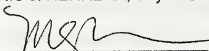
1 4. The Board further makes and adopts the findings set forth in Attachment A to
2 this Ordinance, "California Environmental Quality Act Findings for the Ordinance Entitled
3 'Zoning Map Amendment – Northwest corner of Divisadero and O'Farrell Streets, Block 1098,
4 Lot 9', which findings are hereby adopted and incorporated by reference as though fully set
5 forth herein.

6 Section 2. In accordance with Planning Code Sections 106 and 302, the following
7 changes are hereby adopted as amendments to Sectional Map 2 of the Zoning Map of the
8 City and County of San Francisco:

Description of Property	Use District to be Superseded	Use District Hereby Approved
Assessor's Block No. 1098, Lot 9	NC-2	NC-3

12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By:


MARLENA G. BYRNE
Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 070546

Date Passed:

Ordinance amending the San Francisco Planning Code by amending Sectional Map 2 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

January 6, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

January 13, 2009 Board of Supervisors — FINALLY PASSED

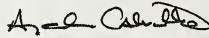
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 070546

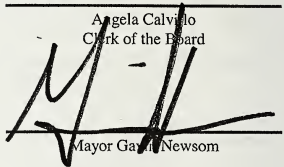
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on January 13, 2009
by the Board of Supervisors of the City and
County of San Francisco.

1/21/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Real Property Transfer Tax. Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and elimination of Transfer Tax Review Board, operative January 1, 2013]

Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1, 1115.2 and 1115.3, adding Section 1113.1, and repealing Section 1109 of Article 12-C of the Business and Tax Regulations Code to: (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) refunds permissible without a claim; (45) eliminate obsolete provision regarding documentary tax stamps; and (56) eliminate Transfer Tax Board of Review and references to that Board, operative January 1, 2013.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 12-C of the San Francisco Business and Tax Regulations Code is hereby amended by amending Sections 1106, 1108, 1108.4, and 1113, and adding Section 1113.1 to read as follows:

SEC. 1106. EXCEPTIONS.

Any tax imposed pursuant to this ordinance shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:

(a) Confirmed under ~~the Federal Bankruptcy Act, as amended~~ Title 11 of the United States Code;

1 (b) ~~Approved in an equity receivership proceeding in a court involving a~~
2 ~~railroad corporation, as defined in Subdivision (m) of Section 205 of Title 11 of the United States Code,~~
3 ~~as amended;~~

4 (c) ~~Approved in any equity receivership proceeding in a court involving a~~
5 ~~corporation, as defined in Subdivision (3) of Section 506 of Title 11 of the United States Code, as~~
6 ~~amended; or~~

7 (d)(b) Whereby a mere change in identity, form or place or organization
8 is effected.

9 Subdivisions (a) ~~to (d)~~ and (b), inclusive, of this Section shall only apply if the
10 making, delivery or filing of instruments of transfer or conveyances occurs within five years
11 from the date of such confirmation approval or change.

12 SEC. 1108. APPLICATION TO PARTNERSHIPS; TITLE CHANGES NOT AFFECTING
13 OWNERSHIP.

14 (a) In the case of any realty held by a partnership or other entity treated as a
15 partnership for federal income tax purposes, no levy shall be imposed pursuant to this Article
16 ordinance by reason of any transfer of an interest in a partnership or other entity treated as a
17 partnership for federal income tax purposes or otherwise, if:

18 (1) Such partnership or other entity treated as a partnership (or another
19 partnership or other entity treated as a partnership) is considered a continuing partnership within
20 the meaning of Section 708 of the Internal Revenue Code of ~~1954~~ 1986, as amended; and

21 (2) Such continuing partnership or other entity treated as a partnership
22 continues to hold the realty concerned.

23 (b) If there is a termination of any partnership or other entity treated as a
24 partnership for federal income tax purposes within the meaning of Section 708 of the Internal
25 Revenue Code of ~~1954~~ 1986, as amended, for purposes of this ~~ordinance~~ Article, such

1 partnership or other entity shall be treated as having executed an instrument whereby there
2 was conveyed, for fair market value, all realty held by such partnership or other entity at the
3 time of such termination.

4 (c) Not more than one tax shall be imposed pursuant to this ~~ordinance~~ Article
5 by reason of a termination described in Subdivision (b), and any transfer pursuant thereto,
6 with respect to the realty held by such partnership or other entity treated as a partnership for
7 federal income tax purposes at the time of such termination.

8 (d) The tax imposed under this Article shall not apply where the deed, instrument, or
9 other writing transferring title to real property between an individual or individuals and a legal entity
10 or between legal entities that results solely in a change in the method of holding title and in which the
11 proportional ownership interests in the real property, whether represented by stock, membership
12 interest, partnership interest, cotenancy interest, or otherwise, directly or indirectly, remains exactly
13 the same before and after the transfer.

14 SEC. 1108.4. EXEMPTION; CERTAIN CONVERSIONS OF STOCK COOPERATIVES
15 TO CONDOMINIUM UNITS.

16 Any tax imposed pursuant to this ~~ordinance~~ Article shall not apply with respect to
17 any deed, instrument, or writing in connection with the conversion to condominium units of the
18 following kind of stock cooperative project: a stock cooperative project (a) which is entitled to
19 an exemption from the annual limitation imposed on the number of conversions and the
20 annual condominium conversion lottery pursuant to Section 1396 of the San Francisco
21 Subdivision Code; and (b) ~~where-in~~ wherein 80 percent or more of the condominium units serve
22 as security for loans in favor of the City and County of San Francisco, pursuant to the
23 Homeownership Assistance Loan Fund (under San Francisco Administrative Code Section
24 ~~10.117-76~~ 10.100-108) or its predecessor program, as identified by the Mayor's Office of
25 Housing, prior to the conversion.

1 SEC. 1113. CLAIMS FOR REFUNDS.

2 Claims for refunds of taxes imposed pursuant to this ordinance shall be
3 governed by the provisions of Sections 6.15-1, 6.15-3, and 6.15-4 of the San Francisco Business and
4 Tax Regulations Code, as those sections currently read and as they may be amended, or
5 interpreted by regulations, in the future. The references in those sections to a "return" shall mean
6 the transfer tax affidavit and, the references to "tax period" shall mean date of transfer, and the
7 references to the "Tax Collector" shall mean the Recorder. Chapter 5 (commencing with Section
8 5096) of Part 9 of Division 1 of the Revenue and Taxation Code, except that in the event of any conflict
9 with the provisions of this ordinance, the ordinance provisions shall control. Claims for refunds shall
10 be presented in writing to the County Recorder within one year from and after the date of making the
11 payment that is sought to be refunded and any claim not presented within said one year period shall be
12 forever barred. The County Recorder shall investigate each claim and determine whether the claim
13 should be approved or denied. The County Recorder shall serve notice of his determination, personally
14 or by mail, on the person or persons who filed the claim for refund. Forms for refund claims shall be
15 provided by the County Recorder. If a refund claim is allowed under this section or Section
16 1113.1, the Controller will not pay the refund unless the taxpayer first records a document that
17 reflects payment of tax in an amount reduced by the amount of the refund. This requirement
18 does not apply if the taxpayer elected to record the deed in accordance with Section 1111
19 without any statement of transfer tax paid.

20 SEC. 1113. 1. REFUNDS PERMISSIBLE WITHOUT A CLAIM.

21 The Recorder may authorize the Controller to refund transfer tax payments,
22 without the need for a refund claim, if the Recorder determines:

- 23 (a) the tax was paid more than once;
24 (b) the amount paid exceeds the amount due as a result of an
25 arithmetic or clerical error; or

1 (c) the tax was paid on a type of transaction that is exempt from the
2 tax.

3 The Recorder may authorize such a refund no later than one year after payment
4 of the tax.

5 Section 2. The San Francisco Business and Tax Regulations Code is hereby amended
6 by amending Sections 1115, 1115.1, and 1115.3, to read as follows, operative until January 1,
7 2013:

8 SEC. 1115. DELINQUENCY TAXES.

9 (a) Delinquency Penalties. The tax imposed by this ordinance is due and
10 payable at the time the deed, instrument or writing effecting a transfer subject to the tax is
11 delivered, and is delinquent if unpaid ~~at the time of recordation thereof.~~ thirty days later. In the
12 event that tax is not paid prior to becoming delinquent, a delinquency penalty of 25 percent of
13 the amount of tax due shall accrue. In the event only a portion of the tax is unpaid prior to
14 becoming delinquent, the penalty shall accrue only as to the portion remaining unpaid. An
15 additional penalty of 10 percent shall accrue if the tax remains unpaid in the ninetieth day
16 following the date of the original delinquency except that the additional penalty shall not
17 accrue during the pendency of a taxpayer's appeal before the Transfer Tax Review Board
18 and, in such event, the additional penalty shall accrue if the tax remains unpaid on the
19 ninetieth day following service or mailing of notice of the ruling of the Review Board. Interest
20 shall accrue at the rate of one percent a month, or fraction thereof, on the amount of
21 delinquent tax, exclusive of penalties, from the date the tax becomes delinquent to the date of
22 payment. Interest and penalties accrued shall become part of the tax.

23 (b) ~~Post-Recording Audits.~~ The County Recorder ~~shall adopt and implement a~~
24 ~~post-recording may~~ audit ~~any procedure which shall provide for a review of at least five percent of~~
25 ~~those documents recorded each month~~ transferring an interest in real property; ~~the said documents~~

Supervisor Duffy
BOARD OF SUPERVISORS

1 to be selected at random, and, in addition, for a review of any other documents which the County
2 Recorder has reason to believe may have been recorded without full payment of the tax and for a
3 review of those documents where the tax is likely to be before or after any recording any deed,
4 instrument or other writing effecting the transfer, to determine if the transfer is exempt from the tax
5 under this Article or is unpaid or underpaid. The rules, procedures and criteria for conducting
6 such audits shall be prepared by the County Recorder within 90 days of the effective date of
7 this ordinance and promptly thereafter submitted to the Transfer Tax Review Board for review
8 and approval. The County Recorder may adopt and implement necessary and appropriate audit
9 procedures.

10 (c) Delinquency Determination. Whenever the County Recorder, ~~as the result~~
11 ~~of a post-recording audit or otherwise,~~ has reason to believe that the full amount of tax due
12 under this ordinance was not paid ~~before recordation~~, the County Recorder may, by notice
13 served upon any person liable therefor, require him to furnish affidavits, true copies of relevant
14 records or other documentary proof sufficient to establish the amount of the consideration or
15 value of the interest or property conveyed and including the amount of any lien or
16 encumbrance remaining thereon at the time of sale; and, if it was claimed that the ~~previously~~
17 ~~recorded~~ deed, instrument or other writing was not subject to this tax or was exempt therefrom,
18 the County Recorder may, by such notice, require any person liable for the tax to furnish
19 affidavits, true copies of relevant records or other documentary proof to substantiate such
20 claim. On the basis of the proof so submitted and any other available evidence, the County
21 Recorder shall determine whether the full amount of tax due under this ordinance was paid
22 before recordation and, if it was not, the County Recorder shall determine the amount of tax
23 which was not paid and is delinquent.

24 (d) Delinquency Notices. Promptly after making his or her delinquent tax
25 determination, the County Recorder shall record a notice of delinquent tax which shall include:

- 1 (1) The amount of delinquent tax;
- 2 (2) The interest that shall accrue on the delinquent tax;
- 3 (3) The delinquency penalty then due;
- 4 (4) The additional penalty that shall accrue if the tax is not promptly
- 5 paid;
- 6 (5) A description of the real property that was transferred by the
- 7 document recorder without full payment of tax; and
- 8 (6) A notice that if the tax, penalties and interest are not paid within 30
- 9 days, proceeding will be taken at a noticed hearing before the Board of Supervisors to impose
- 10 a lien for the unpaid tax, together with penalties and interest, against the real property
- 11 described in the delinquency notice; and
- 12 (7) A notice of the taxpayer's right to appeal the delinquency tax
- 13 determination to the Transfer Tax Review Board.

14 The County Recorder shall also serve or mail copies of the notice of delinquent

15 tax to the person liable for the tax and to the owner or owners of the real property described in

16 the notice, as said owners are shown on the records of the County Tax Collector.

17 (e) The provisions of this Section shall only apply until January 1, 2013,

18 when the alternate version of Section 1115 adopted in Ordinance No. 20-09 shall

19 take effect.

20 SEC. 1115.1. LIEN PROCEEDINGS.

21 (a) Initiating Lien Proceedings. If the full amount of the delinquent tax,

22 penalties and interest is not paid within 30 days following mailing of the delinquency notice or,

23 in the event of an appeal to the Transfer Tax Review Board, within 10 days following service

24 or mailing of the Review Board's ruling, the County Recorder, within one year ~~after recordation~~

25

1 ~~of the document that was recorded without full payment of when the tax became delinquent~~, shall
2 report the delinquency to the Board of Supervisors ("the Board") and request the Board to
3 initiate proceedings to impose a lien for the total unpaid balance against the real property that
4 was transferred by the document delivered ~~recorded~~ without full payment of tax. Said report
5 shall, for each delinquent account, contain the names of the persons liable for the tax, the
6 total amount due, including delinquent taxes, penalties and interest, and a description of the
7 real property that was transferred by the document ~~recorded~~ delivered without full payment of
8 tax. Upon receipt of such report the Board shall fix a time and place for hearing the report and
9 any protests or objections thereto and shall cause notice of the hearing to be mailed not less
10 than 10 days prior to the date of hearing to each person liable for the tax and to the owner or
11 owners of the real property described in the recorded notice of delinquent tax.

12 (b) Hearing. At the time so fixed, the Board shall meet to hear the report and
13 any protests or objections thereto. The Board may make such revisions, corrections or
14 modifications of the report as it may deem just; and in the event that the Board is satisfied with
15 the correctness of the report (as submitted or as revised, corrected or modified), it shall be
16 confirmed. The decision of the Board on the report and on all protests or objections thereto
17 shall be final and conclusive; provided, however, any delinquent account may be removed
18 from the report by payment in full at any time prior to confirmation of the report. The Clerk of
19 the Board shall cause the confirmed report to be verified in form sufficient to meet recording
20 requirements.

21 (c) Special Assessment Lien. Upon confirmation of the report by the Board,
22 the unpaid balance reported therein, including tax, penalties and interest, shall constitute a
23 special assessment against the real property that was transferred by the document ~~recorded~~
24 delivered without full payment of tax; provided, however, that the special assessment, and the
25 lien created thereby, shall attach only to interests in the property that were held, on the date

1 the notice of delinquent tax was recorded, by persons liable for the tax. Each such
2 assessment shall be subordinate to all existing special assessment liens previously imposed
3 upon such parcels and paramount to all other liens except those for State, County and
4 municipal taxes with which it shall be in parity. The lien shall continue until the assessment
5 and all interest and penalties due and payable thereon are paid. All laws applicable to the
6 levy, collection and enforcement of municipal taxes shall be applicable to said special
7 assessment. The Clerk of the Board shall give notice of the confirmation of the report to each
8 person liable for the tax and to the owners-or owners of the real property described in the
9 recorded notice of delinquent tax and shall cause the confirmed and verified report to be
10 recorded in the County Recorder's office and the special assessment lien on each parcel of
11 property described in the report shall thereupon secure an additional charge for administrative
12 expenses of \$50 or 10 percent of the unpaid balance, whichever is higher. An action to set
13 aside the special assessment and the lien created thereby shall be commenced within one
14 year from and after the date that notice of the confirmation of the report was given to the
15 persons liable for the tax and to the property owners.

16 (d) Filing with Controller and Tax Collector. The Clerk of the Board shall file a
17 certified copy of each confirmed report with the Controller and Tax Collector within 10 days
18 after confirmation of the report, whereupon it shall be the duty of said officers to add the
19 amount of each special assessment to the next regular bill for taxes levied for municipal
20 purposes against the respective parcels of property described in the confirmed report.

21 (e) Payment of Special Assessment. On payment to the Tax Collector of the
22 special assessment, including delinquent taxes, accrued penalties, interest and the
23 administrative expense charge authorized by Subdivision (c) above, the Tax Collector shall
24 cause a Release of Lien to be recorded with the County Recorder and shall pay the statutory
25 recording fee from the administrative expense charge. Except for the fee paid to record the

1 Release of Lien, all sums collected by the Tax Collector pursuant to this ordinance shall be
2 deposited to the General Fund.

3 (f) The provisions of this Section shall only apply until January 1, 2013,
4 when the alternative version of Section 1115.1 adopted in Ordinance No. 20-09
5 shall take effect.

6 SEC. 1115.3. MANNER OF GIVING NOTICE.

7 Any notice required to be given hereunder by the County Recorder the Board of
8 Supervisors, the Transfer Review Board or the Review Board to any person shall be
9 sufficiently given or served if it is personally served upon such person or if it is deposited,
10 postage prepaid, in a post office letter box addressed to the person at the address for such
11 person given on a refund claim form, a Petition for Review or written protests or objections to
12 a report of delinquency filed for or on behalf of the person or, if no such address is available,
13 to the person at the official address maintained by the Tax Collector for mailing of tax bills
14 levied against the real property that was transferred by document recorded without full
15 payment of tax or, if no such address is available, to the person at the address of said real
16 property.

17 The provisions of this Section shall only apply until January 1, 2013, when the
18 alternate version of Section 1115.3 adopted in Ordinance No. 20-09 shall take effect

19 Section 3. The San Francisco Business and Tax Regulations Code is hereby amended
20 by amending Sections 1115, 1115.1, and 1115.3 to read as follows, operative on or after
21 January 1, 2013:

22 SEC. 1115. DELINQUENCY TAXES.

23 (a) Delinquency Penalties. The tax imposed by this ordinance is due and
24 payable at the time the deed, instrument or writing effecting a transfer subject to the tax is
25 delivered, and is delinquent if unpaid ~~at the time of recordation thereof,~~ thirty days later. In the

1 event that tax is not paid prior to becoming delinquent, a delinquency penalty of 25 percent of
2 the amount of tax due shall accrue. In the event only a portion of the tax is unpaid prior to
3 becoming delinquent, the penalty shall accrue only as to the portion remaining unpaid. An
4 additional penalty of 10 percent shall accrue if the tax remains unpaid in the ninetieth day
5 following the date of the original delinquency ~~except that the additional penalty shall not accrue~~
6 ~~during the pendency of a taxpayer's appeal before the Transfer Tax Review Board and, in such event,~~
7 ~~the additional penalty shall accrue if the tax remains unpaid on the ninetieth day following service or~~
8 ~~mailing of notice of the ruling of the Review Board.~~ Interest shall accrue at the rate of one percent
9 a month, or fraction thereof, on the amount of delinquent tax, exclusive of penalties, from the
10 date the tax becomes delinquent to the date of payment. Interest and penalties accrued shall
11 become part of the tax.

12 (b) *Post-Recording Audits.* The County Recorder ~~shall adopt and implement a~~
13 ~~post-recording may audit any procedure which shall provide for a review of at least five percent of~~
14 ~~those documents recorded each month transferring an interest in real property; the said documents~~
15 ~~to be selected at random, and, in addition, for a review of any other documents which the County~~
16 ~~Recorder has reason to believe may have been recorded without full payment of the tax and for a~~
17 ~~review of those documents where the tax is likely to be before or after any recording any deed,~~
18 ~~instrument or other writing effecting the transfer, to determine if the transfer is exempt from the tax~~
19 ~~under this Article or is unpaid or underpaid. The rules, procedures and criteria for conducting~~
20 ~~such audits shall be prepared by the County Recorder within 90 days of the effective date of~~
21 ~~this ordinance and promptly thereafter submitted to the Transfer Tax Review Board for review~~
22 ~~and approval. The County Recorder may adopt and implement necessary and appropriate audit~~
23 ~~procedures.~~

24 (c) *Delinquency Determination.* Whenever the County Recorder, ~~as the result~~
25 ~~of a post-recording audit or otherwise,~~ has reason to believe that the full amount of tax due

1 under this ordinance was not paid ~~before recordation~~, the County Recorder may, by notice
2 served upon any person liable therefor, require him to furnish affidavits, true copies of relevant
3 records or other documentary proof sufficient to establish the amount of the consideration or
4 value of the interest or property conveyed and including the amount of any lien or
5 encumbrance remaining thereon at the time of sale; and, if it was claimed that the ~~previously~~
6 ~~recorded~~ deed, instrument or other writing was not subject to this tax or was exempt therefrom
7 the County Recorder may, by such notice, require any person liable for the tax to furnish
8 affidavits, true copies of relevant records or other documentary proof to substantiate such
9 claim. On the basis of the proof so submitted and any other available evidence, the County
10 Recorder shall determine whether the full amount of tax due under this ordinance was paid
11 before recordation and, if it was not, the County Recorder shall determine the amount of tax
12 which was not paid and is delinquent.

13 (d) Delinquency Notices. Promptly after making his or her delinquent tax
14 determination, the County Recorder shall record a notice of delinquent tax which shall include

15 (1) The amount of delinquent tax;
16 (2) The interest that shall accrue on the delinquent tax;
17 (3) The delinquency penalty then due;
18 (4) The additional penalty that shall accrue if the tax is not promptly
19 paid;

20 (5) A description of the real property that was transferred by the
21 document recorder without full payment of tax; and

22 (6) A notice that if the tax, penalties and interest are not paid within 30
23 days, proceeding will be taken at a noticed hearing before the Board of Supervisors to impose
24 a lien for the unpaid tax, together with penalties and interest, against the real property
25 described in the delinquency notice; and

The County Recorder shall also serve or mail copies of the notice of delinquent tax to the person liable for the tax and to the owner or owners of the real property described in the notice, as said owners are shown on the records of the County Tax Collector.

(a) Initiating Lien Proceedings. If the full amount of the delinquent tax, penalties and interest is not paid within 30 days following mailing of the delinquency notice ~~or, in the event of an appeal to the Transfer Tax Review Board, within 10 days following service or mailing of the Review Board's ruling,~~ the County Recorder, within one year ~~after recordation of the document that was recorded without full payment of when the tax became delinquent,~~ shall report the delinquency to the Board of Supervisors ("the Board") and request the Board to initiate proceedings to impose a lien for the total unpaid balance against the real property that was transferred by the document delivered ~~recorded~~ without full payment of tax. Said report shall, for each delinquent account, contain the names of the persons liable for the tax, the total amount due, including delinquent taxes, penalties and interest, and a description of the real property that was transferred by the document ~~recorded~~ delivered without full payment of tax. Upon receipt of such report the Board shall fix a time and place for hearing the report and any protests or objections thereto and shall cause notice of the hearing to be mailed not less than 10 days prior to the date of hearing to each person liable for the tax and to the owner or owners of the real property described in the recorded notice of delinquent tax.

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1 the correctness of the report (as submitted or as revised, corrected or modified), it shall be
2 confirmed. The decision of the Board on the report and on all protests or objections thereto
3 shall be final and conclusive; provided, however, any delinquent account may be removed
4 from the report by payment in full at any time prior to confirmation of the report. The Clerk of
5 the Board shall cause the confirmed report to be verified in form sufficient to meet recording
6 requirements.

7 (c) Special Assessment Lien. Upon confirmation of the report by the Board,
8 the unpaid balance reported therein, including tax, penalties and interest, shall constitute a
9 special assessment against the real property that was transferred by the document *recorded*
10 *delivered* without full payment of tax; provided, however, that the special assessment, and the
11 lien created thereby, shall attach only to interests in the property that were held, on the date
12 the notice of delinquent tax was recorded, by persons liable for the tax. Each such
13 assessment shall be subordinate to all existing special assessment liens previously imposed
14 upon such parcels and paramount to all other liens except those for State, County and
15 municipal taxes with which it shall be in parity. The lien shall continue until the assessment
16 and all interest and penalties due and payable thereon are paid. All laws applicable to the
17 levy, collection and enforcement of municipal taxes shall be applicable to said special
18 assessment. The Clerk of the Board shall give notice of the confirmation of the report to each
19 person liable for the tax and to the owners-or owners of the real property described in the
20 recorded notice of delinquent tax and shall cause the confirmed and verified report to be
21 recorded in the County Recorder's office and the special assessment lien on each parcel of
22 property described in the report shall thereupon secure an additional charge for administrative
23 expenses of \$50 or 10 percent of the unpaid balance, whichever is higher. An action to set
24 aside the special assessment and the lien created thereby shall be commenced within one
25

1 year from and after the date that notice of the confirmation of the report was given to the
2 persons liable for the tax and to the property owners.

3 (d) Filing with Controller and Tax Collector. The Clerk of the Board shall file a
4 certified copy of each confirmed report with the Controller and Tax Collector within 10 days
5 after confirmation of the report, whereupon it shall be the duty of said officers to add the
6 amount of each special assessment to the next regular bill for taxes levied for municipal
7 purposes against the respective parcels of property described in the confirmed report.

8 (e) Payment of Special Assessment. On payment to the Tax Collector of the
9 special assessment, including delinquent taxes, accrued penalties, interest and the
10 administrative expense charge authorized by Subdivision (c) above, the Tax Collector shall
11 cause a Release of Lien to be recorded with the County Recorder and shall pay the statutory
12 recording fee from the administrative expense charge. Except for the fee paid to record the
13 Release of Lien, all sums collected by the Tax Collector pursuant to this ordinance shall be
14 deposited to the General Fund.

15 SEC. 1115.3. MANNER OF GIVING NOTICE.

16 Any notice required to be given hereunder by the County Recorder or the Board of
17 Supervisors, ~~the Transfer Review Board or the Review Board~~ to any person shall be sufficiently
18 given or served if it is personally served upon such person or if it is deposited, postage
19 prepaid, in a post office letter box addressed to the person at the address for such person
20 given on a refund claim form, ~~a Petition for Review~~ or written protests or objections to a report
21 of delinquency filed for or on behalf of the person or, if no such address is available, to the
22 person at the official address maintained by the Tax Collector for mailing of tax bills levied
23 against the real property that was transferred by document recorded without full payment of
24 tax or, if no such address is available, to the person at the address of said real property.
25

1 Section 4. Article 12-C of the San Francisco Business and Tax Regulations Code is
2 hereby amended by repealing Sections 1109 in its entirety.

3 ~~SEC. 1109. DOCUMENTARY STAMPS.~~

4 ~~The County Recorder shall purchase any unused documentary tax stamps sold by him~~
5 ~~prior to July 1, 1968. The Recorder shall accept in payment of the tax any such stamps affixed to a~~
6 ~~document offered for recordation and shall cancel the stamps so affixed.~~

7 Section 5. The San Francisco Business and Tax Regulations Code is hereby amended
8 by amending Section 1115.2, to read as follows, operative until January 1, 2013:

9 SEC. 1115.2. TRANSFER TAX REVIEW BOARD.

10 (a) Review Board. A Transfer Tax Review Board (the "Review Board"),
11 consisting of the Controller, the Director of Property and the Tax Collector or their designated
12 representatives, is hereby created. The Review Board shall select from its members a
13 Chairperson who shall serve at its pleasure. A majority of the members of the Review Board
14 shall constitute a quorum. The Review Board shall keep a record of its transactions. The
15 Review Board shall be deemed to be situated in the office of the Controller, shall meet and
16 keep its files in the Controller's office and all filing with the Board relating to appeals or
17 otherwise shall be made at such office. Neither the members of the Review Board nor their
18 designated representatives shall receive any compensation for their services on the said
19 Board.

20 (b) Appeals Permitted. Provided a Petition for Review is filed with the Review
21 Board within the designated time period, a taxpayer shall have the right to appeal the
22 following actions by the Assessor-Recorder to the Review Board:

23 (1) A determination of tax made prior to recording of a document may
24 be appealed if the Petition for Review is filed within 10 days following the Assessor-
25 Recorder's determination of tax and refusal to record without payment of such tax.

(2) A denial of refund claim may be appealed if the Petition for Review is filed within 10 days following service or mailing of notice of claim denial to the taxpayer.

(3) A determination of delinquent taxes may be appealed if the Petition for Review is filed within 10 days following service or mailing of the delinquency notice to the taxpayer.

Rulings of the Review Board on determinations of tax made prior to recording of documents or on denials of refund claims are final and conclusive. An action to set aside such a ruling of the Review Board shall be commenced within one year from and after the date that notice of the Review Board's ruling was personally served upon or mailed to the taxpayer. Rulings of the Review Board on delinquent tax determinations are subject to review by the Board of Supervisors in connection with the Board's hearing of the Assessor-Recorder's report of delinquency pursuant to Section 1115.1 of this ordinance.

Forms for Petitions for Review shall be provided by the Review Board.

(c) Powers of Review Board. The Review Board shall have power, and it shall be its duty:

(1) To conduct public hearings for the purpose of reviewing and making its ruling upon any Petition for Review. As to any question of fact upon which the Assessor-Recorder's decision was based, including any questions involving taxability or penalties, the Review Board may modify or revoke the decision of the Assessor-Recorder, or it may affirm such decision and dismiss the Petition. The Review Board shall not make any ruling inconsistent with the requirements of this ordinance, nor is the Review Board authorized to relieve any taxpayer by reason of hardship alone from tax properly due under this ordinance but it may, upon showing of good cause, relieve a taxpayer by reason of hardship from delinquency penalties accrued hereunder. The Review Board shall prescribe such forms, rules and regulations relating to appeals as it may deem necessary. In the review of the

1 Assessor-Recorder's decision, the Review Board shall not be limited to a review of the
2 evidence upon which the Assessor-Recorder made his decision, but may take such evidence
3 and make such investigation as it may be deemed necessary. It shall serve notice of its ruling,
4 personally or by mail, on the petitioning taxpayer, any other person liable for the tax and the
5 owner or owners of the real property described in the recorded notice of delinquent tax and
6 shall file a copy of each such ruling with the Assessor-Recorder with certification thereon of
7 the date and service thereof;

8 (2) To approve, modify, or disapprove all forms, rules and regulations
9 prescribed by the Assessor-Recorder in the administration and enforcement of this ordinance
10 and such forms, rules and regulations shall be subject to, and become effective only on such
11 approval; provided, however, any rules and regulations adopted by the Assessor-Recorder
12 shall also be approved by the City Attorney, and further provided that any modification
13 determined by the Review Board shall be approved as to legal form by the City Attorney
14 before becoming effective;

15 (3) To hear and determine in such manner as shall be just, any protest
16 which may be made by any person who may be interested to any form, rule or regulation
17 approved or prescribed by the Review Board.

18 (d) The provisions of this Section shall only apply until January 1, 2013,
19 when the alternate version of Section 1115.2, adopted in Ordinance No. 20-09 shall
20 take effect.

21 Section 6. The San Francisco Business and Tax Regulations Code is hereby amended
22 by amending Section 1115.2, to read as follows, operative on and after January 1, 2013:

23 SEC. 1115.2. TRANSFER TAX REVIEW BOARD.

24 (a) *Review Board. A Transfer Tax Review Board (the "Review Board"), consisting of*
25 *the Controller, the Director of Property and the Tax Collector or their designated representatives, is*

Supervisor Duffy
BOARD OF SUPERVISORS

1 hereby created. The Review Board shall select from its members a Chairperson who shall serve at its
2 pleasure. A majority of the members of the Review Board shall constitute a quorum. The Review Board
3 shall keep a record of its transactions. The Review Board shall be deemed to be situated in the office of
4 the Controller, shall meet and keep its files in the Controller's office and all filing with the Board
5 relating to appeals or otherwise shall be made at such office. Neither the members of the Review Board
6 nor their designated representatives shall receive any compensation for their services on the said
7 Board.

8 (b) — Appeals Permitted. Provided a Petition for Review is filed with the Review Board
9 within the designated time period, a taxpayer shall have the right to appeal the following actions by the
10 Assessor-Recorder to the Review Board:

11 (1) — A determination of tax made prior to recording of a document may be
12 appealed if the Petition for Review is filed within 10 days following the Assessor-Recorder's
13 determination of tax and refusal to record without payment of such tax.

14 (2) — A denial of refund claim may be appealed if the Petition for Review is
15 filed within 10 days following service or mailing of notice of claim denial to the taxpayer.

16 (3) — A determination of delinquent taxes may be appealed if the Petition for
17 Review is filed within 10 days following service or mailing of the delinquency notice to the taxpayer.

18 Rulings of the Review Board on determinations of tax made prior to recording of
19 documents or on denials of refund claims are final and conclusive. An action to set aside such a ruling
20 of the Review Board shall be commenced within one year from and after the date that notice of the
21 Review Board's ruling was personally served upon or mailed to the taxpayer. Rulings of the Review
22 Board on delinquent tax determinations are subject to review by the Board of Supervisors in connection
23 with the Board's hearing of the Assessor-Recorder's report of delinquency pursuant to Section 1115.1
24 of this ordinance.

25 Forms for Petitions for Review shall be provided by the Review Board.

1 (c)——Powers of Review Board. The Review Board shall have power, and it shall be its
2 duty:

3 (1)——To conduct public hearings for the purpose of reviewing and making its
4 ruling upon any Petition for Review. As to any question of fact upon which the Assessor-Recorder's
5 decision was based, including any questions involving taxability or penalties, the Review Board may
6 modify or revoke the decision of the Assessor-Recorder, or it may affirm such decision and dismiss the
7 Petition. The Review Board shall not make any ruling inconsistent with the requirements of this
8 ordinance, nor is the Review Board authorized to relieve any taxpayer by reason of hardship alone
9 from tax properly due under this ordinance but it may, upon showing of good cause, relieve a taxpayer
10 by reason of hardship from delinquency penalties accrued hereunder. The Review Board shall
11 prescribe such forms, rules and regulations relating to appeals as it may deem necessary. In the review
12 of the Assessor-Recorder's decision, the Review Board shall not be limited to a review of the evidence
13 upon which the Assessor-Recorder made his decision, but may take such evidence and make such
14 investigation as it may be deemed necessary. It shall serve notice of its ruling, personally or by mail, on
15 the petitioning taxpayer, any other person liable for the tax and the owner or owners of the real
16 property described in the recorded notice of delinquent tax and shall file a copy of each such ruling
17 with the Assessor-Recorder with certification thereon of the date and service thereof;

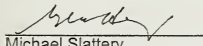
18 (2)——To approve, modify, or disapprove all forms, rules and regulations
19 prescribed by the Assessor-Recorder in the administration and enforcement of this ordinance and such
20 forms, rules and regulations shall be subject to, and become effective only on such approval; provided,
21 however, any rules and regulations adopted by the Assessor-Recorder shall also be approved by the
22 City Attorney, and further provided that any modification determined by the Review Board shall be
23 approved as to legal form by the City Attorney before becoming effective;

1 (3) ~~To hear and determine in such manner as shall be just, any protest which~~
2 ~~may be made by any person who may be interested to any form, rule or regulation approved or~~
3 ~~prescribed by the Review Board.~~

4 The Transfer Tax Review Board's authority to accept new Petitions for Review and to
5 review the Recorder's procedural rules and forms expired on January 1, 2013. The Review
6 Board shall promptly determine all petitions pending on January 1, 2013 in accordance with
7 this Section 1115.2 as it read immediately before that date.

8
9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By:

12 
13 Michael Slattery
14 Deputy City Attorney
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25



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081450

Date Passed:

Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1 and 1115.3, adding Section 1113.1, and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) refunds permissible without a claim; (45) eliminate obsolete provision regarding documentary tax stamps; and (56) eliminate Transfer Tax Board of Review and references to that Board, operative by January 1, 2013.

December 9, 2008 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

December 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Campos, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin,
Sandoval
Noes: 3 - Alioto-Pier, Chu, Duffy

January 6, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 6 - Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Campos, Chu, Duffy

January 6, 2009 Board of Supervisors — PREVIOUS VOTE RESCINDED

Ayes: 8 - Alioto-Pier, Campos, Chu, Duffy, Elsbernd, McGoldrick, Mirkarimi,
Peskin
Noes: 2 - Daly, Maxwell

January 6, 2009 Board of Supervisors — CONTINUED ON FINAL PASSAGE

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin

January 13, 2009 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE
BEARING NEW TITLE

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar,
Maxwell, Mirkarimi

January 13, 2009 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar,
Maxwell, Mirkarimi

January 27, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 081450

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on January 27, 2009
by the Board of Supervisors of the City and
County of San Francisco.

2/5/09

Date Approved

Angela Calvillo

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

[Modifying election procedures and deadlines for a June 2, 2009 election.]

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~striketrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~striketrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Finding of Emergency Under Charter Section 2.107.

Section 2.107 of the San Francisco Charter authorizes the City to pass emergency ordinances to address public emergencies threatening life, health, or property, or to provide for the uninterrupted operation of any City department required to comply with time limitations established by law.

The Board of Supervisors hereby finds that an actual emergency exists that requires the passage of this emergency ordinance, based on the following:

1. The fiscal crisis impacting the nation and the state has affected San Francisco as well. The City has been hit by a sudden and precipitous drop in local revenues—revenues from the real estate transfer tax alone are expected to drop almost 50 percent below the adopted budget levels.

2. As a result of these conditions, and the City's structural budget deficit, the Mayor's Office has projected a General Fund deficit of \$575.6 million for Fiscal Year 2009-10, a loss of roughly half of the City's discretionary spending as compared to funds available for

Supervisor
BOARD OF SUPERVISORS

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1 discretionary spending in Fiscal Year 2008-09. This deficit would severely harm public health
2 and human service programs in particular, since the departments delivering those programs
3 are among those most dependent on the General Fund. Unless the City can replace this
4 funding, the health, safety, and welfare of the vulnerable segments of the population will be
5 put at risk.

6 3. The City has already made significant cuts in government spending, including the
7 elimination or postponement of programs, lay-offs of nearly 400 City employees, and
8 elimination of over 300 vacant positions. But adoption of most new revenue sources, such as
9 taxes, requires voter approval.

10 4. The next regularly-scheduled City election is not until November 2009, nearly
11 halfway through the next fiscal year and too late to address the projected deficit.

12 5. In response to this situation, the Board of Supervisors intends to call a special
13 election for June 2, 2009, to submit a number of proposed revenue measures to the voters, so
14 that the Board and the Mayor will know before the commencement of Fiscal Year 2009-10
15 whether the voters have approved the revenue measures. But in order to conduct an election
16 on such shortened notice, the City must modify certain election procedures and deadlines as
17 set forth in this ordinance.

18 6. State law provides that the last day a charter amendment may be submitted for a
19 June 2, 2009 election is March 6, 2009. The Director of Elections has determined that the
20 Department of Elections could conduct a special election on June 2, 2009, without having to
21 alter or waive the deadlines and requirements set forth in section 500, et seq., of the
22 Municipal Elections Code, if the Board submitted all of the measures to be considered at that
23 election no later than the close of business March 6, 2009.

1 7 6. The Board of Supervisors therefore finds that an emergency exists for purposes of
2 Charter Section 2.107. This emergency ordinance will ensure that the City is able to submit
3 and the voters are able to consider revenues measures designed to avoid the impending
4 deficit threatening the public health, safety, and welfare.

5
6 **Section 2. Measures Covered by the Modified Election Procedures.**

7 The election procedures modified in Section 3 of this ordinance shall apply to any or all
8 of the following measures, or substantially similar measures, submitted by the full Board of
9 Supervisors to the voters at a special election on June 2, 2009:

10 1. A possible increase in the sales tax, the increase not to exceed 0.5% for a total tax
11 rate of 9%, and including a possible dedication of the proceeds of the tax increase to
12 emergency health and human services and to public protection;

13 2. A possible increase in the payroll tax, the increase not to exceed 0.2% for a total tax
14 rate of 1.7%, and including a possible dedication of the proceeds of the tax increase to
15 emergency health and human services and to public protection;

16 3. ~~A possible new residential utilities users tax, not to exceed 7.5%, and including a~~
17 ~~possible dedication of the proceeds of the tax increase to emergency health and human~~
18 ~~services and to public protection;~~

19 4. ~~A possible increase in the commercial utilities users tax, the increase not to exceed~~
20 ~~2.5% for a total tax rate of 10%, and including a possible dedication of the proceeds of the tax~~
21 ~~increase to emergency health and human services and to public protection;~~

22 5. ~~A possible new parcel tax, not to exceed \$300 for a residential parcel and \$1,000 for~~
23 ~~other parcels;~~

6. A possible new gross receipts tax on residential rental income, not to exceed 0.127%, and including a possible dedication of the proceeds of the tax increase to emergency health and human services and to public protection;

47. A possible new gross receipts tax on commercial rental income, not to exceed 0.127%, and including a possible dedication of the proceeds of the tax increase to emergency health and human services and to public protection;

58. A possible new gross receipts tax on all commercial transactions, not to exceed 0.1%, and including a possible dedication of the proceeds of the tax increase to emergency health and human services and to public protection;

~~9. A possible new surcharge on the parking tax, the surcharge not to exceed 5% for a total tax rate of 30%, the proceeds of the surcharge going to the General Fund;~~

649. A possible amendment to Charter Section 9.113.5, allowing the City to appropriate up to 100% of the current balance in the Rainy Day Reserve, not to exceed 20% of the projected deficit, in years in which a budgetary deficit of \$250 million or more is projected; and,

744. A possible new charter amendment that would cap all set-asides at their Fiscal Year 2008-2009 levels, allow the City to reduce its contributions during budgetary shortfalls, and provide that year-end surpluses be returned to the General Fund.

Section 3. Modifications to Election Procedures.

(a) **Deadline for Submission of Measures.** Notwithstanding the provisions of Municipal Elections Code Section 300, subds. (a) and (b), any measure identified in Section 2 of this ordinance may be submitted by the Board of Supervisors to the Director of Elections no later than the close of business March 6, 2009 for a June 2, 2009 special election.

1 **(b) (a) Thirty-Day Hold.** Notwithstanding the provisions of Municipal Elections Code
2 Section 305(a)(1), the Board of Supervisors may consider the measures identified in Section 2
3 of this ordinance fewer than 30 days after receiving (i) a draft of the proposed measure
4 approved as to form by the City Attorney, and (ii) a legislative digest for the proposed
5 measure prepared by the City Attorney, so long as both the draft and the digest are delivered
6 to the Clerk of the Board at least 72 hours prior to the committee hearing and made available
7 for public review at that time.

8 **(c) (b) Additional Hearings on All Amendments.** Notwithstanding the provisions of
9 Municipal Elections Code Section 305(a)(3), the Board committee hearing a measure
10 identified in Section 2 of this ordinance is not required to notice any and all amendments to
11 the proposed measure for an additional public hearing, and shall only be required to notice
12 substantive changes for an additional hearing as provided by the notice and agenda
13 requirements of the Brown Act and the Sunshine Ordinance.

14 ~~(c) Deadlines for Submission of Official Arguments.~~ Notwithstanding the provisions of
15 ~~Municipal Elections Code Sections 535 et seq., the Director of Elections may modify the~~
16 ~~deadlines for submission of proponent, opponent, and rebuttal ballot arguments for or against~~
17 ~~the measures identified in Section 2, and any related deadlines, as the Director deems~~
18 ~~necessary to allow for the timely and orderly preparation and distribution of the voter~~
19 ~~information pamphlet for the June 2, 2009 election.~~

20 ~~(d) Deadlines for Submission of City Attorney Statement, Ballot Simplification~~
21 ~~Committee Digest, and Controller's Financial Analysis.~~ Notwithstanding the provisions of
22 ~~Municipal Elections Code Sections 510, 515, and 520, the Director of Elections may modify~~
23 ~~the deadlines for submission of the City Attorney statement, the Ballot Simplification~~
24 ~~Committee digest, and the Controller's financial analysis, respectively, for the measures~~
25

1 identified in Section 2, as the Director deems necessary to allow for the timely and orderly
2 preparation and distribution of the voter information pamphlet for the June 2, 2009 election.

3 (e) ~~Deadlines for Public Inspection of Voter Information Pamphlet Materials.~~

4 Notwithstanding the provisions of Municipal Elections Code Section 590, the Director of
5 Elections may modify the deadlines for public inspection of the various categories of materials
6 included in the voter information pamphlet for the measures identified in Section 2, as the
7 Director deems necessary to allow for the timely and orderly preparation and distribution of
8 the voter information pamphlet for the June 2, 2009 election, provided that the Director
9 provides for the full 10-day inspection period for all such materials required under California
10 Elections Code Sections 9295 and 13313.

11 (f) ~~Elimination of Paid Arguments.~~ Notwithstanding the provisions of Municipal
12 Elections Code Sections 535(c) and 560, the Director of Elections shall not accept paid
13 arguments for or against the measures identified in Section 2 or include such paid arguments
14 in the voter information pamphlet for those measures. "Paid arguments" shall, for purposes of
15 this Section, include ballot arguments submitted pursuant to Municipal Elections Code
16 Sections 565 and 570 with in-lieu signatures rather than payment of the printing fee.

17 (g) ~~Notice of Submission of Ballot Arguments.~~ Notwithstanding the provisions of
18 Municipal Elections Code Sections 525(a), the Director of Elections may waive, in whole or in
19 part, or otherwise modify the requirement that the Director publish notice in the official
20 newspaper on three separate occasions that ballot arguments may be submitted for or against
21 the measures identified in Section 2, as the Director deems necessary to allow for the timely
22 and orderly preparation and distribution of the voter information pamphlet for the June 2, 2009
23 election, provided that the Director provides for the full 10-day inspection period for such ballot
24 arguments required under California Elections Code Sections 9295 and 13313.

1 (d) ~~(h)~~ **Notice of Changes.** The Director of Elections shall publish on the Department
2 of Elections' website notice of all changes in deadlines and other modifications to election
3 procedures that he makes under the authority of this ordinance.

4 (e) ~~(i)~~ **Board Rule 2.28 Regarding Charter Amendments.** The Board of Supervisors
5 waives the application of Board Rule 2.28 to any charter amendments included among the
6 measures identified in Section 2.

7
8
9 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

10
11 By:



THOMAS J. OWEN
Deputy City Attorney



City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090009

Date Passed:

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

January 27, 2009 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

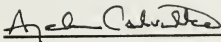
January 27, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

File No. 090009

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on January 27, 2009 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

2-6-09

Date Approved



Mayor Gavin Newsom

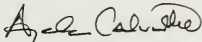
The foregoing measure, having been passed by the Board of Supervisors at the meeting of January 27, 2009, was referred to his Honor, the Mayor, in accordance with the provisions of Section 3.103 of the Charter and was returned by him under the date of February 6, 2009, with his disapproval and veto thereon.

The Board of Supervisors, on February 10, 2009 overrode the Mayor's veto by the required 2/3 vote, by the following vote:

Ayes: 8- Daly, Dufty, Mar, Maxwell, Mirkarimi, Avalos, Campos, Chiu

Noes: 3 - Chu, Elsabend

Absent: 1 - Alioto-Pier



Angela Calvillo, Clerk of the Board

[Waiver of Administrative Code sections 6.40 and 6.41 to allow award of agreement for program construction management services without a competitive procurement process.]

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code sections 6.40 and section 6.41 to allow award of Agreement No. CS-963, Program Construction Management Services, without a competitive procurement process.

Note: Additions are single-underline italics Times New Roman, deletions are ~~striketrough-italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~striketrough normal~~.

Be it ordained by the People of the City and County of San Francisco

Section 1. General Findings:

(a) Studies estimate a 63 percent probability that a major earthquake will strike the Bay Area within the next 30 years. If such an event were to occur before the SFPUC completes seismic improvements under its Water System Improvement Program ("WSIP"), parts of the Bay Area could be without water for extended periods, causing catastrophic economic and public health impacts. The SFPUC must implement the WSIP without delay

(b) The most important WSIP seismic improvement projects are the 50 regional projects, many of which are relatively large and/or complex. Most of the regional projects will undergo the critical transition from design to construction beginning in late 2008 through 2010.

(c) To ensure program continuity and to avoid delays while the WSIP's significant regional projects transition from design to construction, the SFPUC must retain a program construction management consultant without delay to supplement existing resources and provide personnel with specialized qualifications and experience. The program construction manager will oversee ongoing construction projects to ensure the overall effectiveness of the SFPUC's construction management organization and advise WSIP management on key

1 construction management-related processes, systems and procedures.

2 (d) Section 6.40 of the Administrative Code, Competitive Procurement of
3 Professional Services for Public Work Projects, requires City departments to procure
4 professional consultant services using a competitive process based on qualifications. Section
5 6.41, Requests for Competitive Proposals or Qualifications, sets forth minimum requirements
6 for the competitive procurement process.

7 (e) A competitive procurement process to select and retain a program construction
8 manager could require approximately six months, resulting in significant project delays during
9 the critical transition from design to construction of the WSIP regional projects. A waiver of
10 sections 6.40 and 6.41 would enable the SFPUC to retain a qualified program construction
11 manager much sooner and mitigate the risk of project delays.

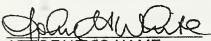
12 (f) The SFPUC, by Resolution No. 08-0205, awarded Agreement No. CS-963,
13 Program Construction Management Services, for an amount not to exceed \$26,000,000,
14 contingent on the Board granting a waiver of sections 6.40 and 6.41 and approving the
15 Agreement under Charter Section 9.118.

16 Section 2. Waiver of Administrative Code Sections 6.40 and 6.41:

17 (a) By this Ordinance, the Board of Supervisors grants the SFPUC a waiver of
18 Administrative Code sections 6.40 and 6.41 to allow the award of Agreement No. CS-963,
19 Program Construction Management Services, without a competitive procurement process.

20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By:

23 
24 ATTORNEY'S NAME
25 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 081535

Date Passed:

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Sections 6.40 and 6.41 to allow award of Agreement No. CS-963, Program Construction Management Services, without a competitive procurement process.

January 27, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

February 3, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar,
Maxwell, Mirkarimi
Noes: 1 - Dufty

File No. 081535

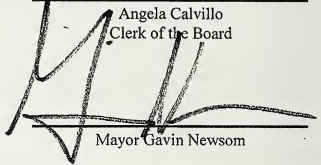
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on February 3, 2009
by the Board of Supervisors of the City and
County of San Francisco.

2/13/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for \$47,500.00; the lawsuit was filed on September 22, 2006 in Superior, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Denise Caicedo v. City and County of San Francisco, et al.", Superior, Court No. 456-426 by the payment of \$47,500.00

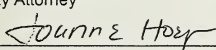
Section 2. The above-named action was filed in Superior on September 22, 2006, and the following parties were named in the lawsuit: Denise Caicedo, plaintiff vs. City and County of San Francisco, Defendant.

APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

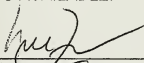
DENNIS J. HERRERA
City Attorney

PARK AND RECREATION


JOANNE HOEPER
Chief Trial Deputy


YOMI AGUNBIADE
GENERAL MANAGER

FUNDS AVAILABLE:


BEN ROSENFELD
Controller
Index Code: 975052
Subobject: 05312

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OFFICE OF THE CITY ATTORNEY
BOARD OF SUPERVISORS

MAR - 2 2009

SAN FRANCISCO
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081395

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for \$47,500.00; the lawsuit was filed on September 22, 2006 in Superior Court, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al.

January 27, 2009 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

February 3, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081395

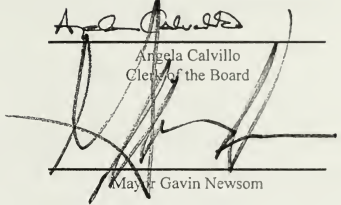
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on February 3, 2009
by the Board of Supervisors of the City and
County of San Francisco.

2/13/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

1 [Settlement Of Lawsuit.]
2

3 Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei
4 Ma against the City and County of San Francisco for \$115,000.00; the lawsuit was filed
5 on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma
6 v. City and County of San Francisco.

7 Be it ordained by the People of the City and County of San Francisco:

8 Section 1. The City Attorney is hereby authorized to settle Xiaomei Ma's claims in the
9 action entitled Ma v. City and County of San Francisco, San Francisco Superior Court Case
10 No. 07-462106, by the payment of \$115,000.00. The payment shall be allocated as follows:
11 (a) \$69,000.00 as general damages for personal injury, including allegations of emotional
12 injury; (b) \$46,000.00 for attorneys' fees and costs.

13 Section 2. The above-named action was filed in the San Francisco Superior Court on
14 April 6, 2007, and the following parties were named in the lawsuit: City and County of San
15 Francisco.

16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

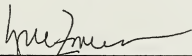
RECOMMENDED:
Department of Public Health

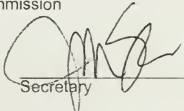
18 By: 
19 ELIZABETH S. SALVESON
Chief Labor Attorney

By: 
Mitchell A. Katz, MD
Director of Health

20 FUNDS AVAILABLE:
21 Office of the Controller

San Francisco Public Health
Commission

22 By: 
23 BENJAMIN ROSENFELD
24 Controller
IndexCode: 975027
25 Subobject: 05312

By: 
Secretary

Office of the City Attorney
BOARD OF SUPERVISORS

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MAR - 2 2009

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081618

Date Passed:

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for \$115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco.

January 27, 2009 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

February 3, 2009 Board of Supervisors — FINALLY PASSED

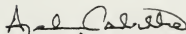
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081618

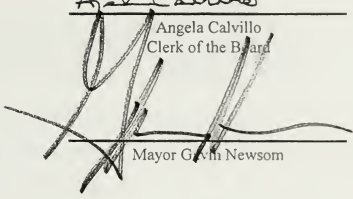
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on February 3, 2009
by the Board of Supervisors of the City and
County of San Francisco.

2/13/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Medical Cannabis Act Revisions.]

Ordinance approving amendments to the Medical Cannabis Act to clarify that a medical cannabis dispensary shall be a cooperative or collective and shall operate as a non-profit.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Health Code Section 3301 et seq. is hereby amended by amending Sections 3301 and 3308, to read as follows:

SEC. 3301. DEFINITIONS.

For the purposes of this Article:

(a) "Cannabis" means marijuana and all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes marijuana infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant are incapable of germination.

(b) "City" means the City and County of San Francisco.

(c) "Convicted" means having pled guilty or having received a verdict of guilty, including a verdict following a plea of nolo contendere, to a crime.

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MAYOR NEWSOM
BOARD OF SUPERVISORS

MAR - 2 2009

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(d) "Director" means the Director of Public Health or any individual designated by the Director to act on his or her behalf, including but not limited to inspectors.

~~(e) "Excessive profits" means the receipt of consideration of a value substantially higher than the reasonable costs of operating the facility. Such reasonable costs shall include expenses for rent or mortgage, utilities, employee costs, furniture, maintenance, or reserves maintained in a segregated account set aside exclusively for potential financial or legal liability.~~

(f) "Medical cannabis dispensary" means ~~any association, a~~ cooperative or collective of ten or more qualified patients or primary caregivers that facilitates the lawful cultivation and distribution of medical cannabis for medical purposes and operates not for profit, consistent with California Health & Safety Code Sections 11362.5 et seq., with the Guidelines for the Security and Non-diversion of Marijuana Grown for Medical Use issued by the California Attorney General in August 2008, and with this ordinance. A cooperative must be organized and registered as a Consumer Cooperative Corporation under the Corporations Code, Sections 12300, et seq., or a Nonprofit Cooperative Association under the Food and Agricultural Code, Sections 54002, et seq. A collective may be organized as a corporation, partnership or other legal entity under state law but must be jointly owned and operated by its members. As set forth in Section 3308(q), a medical cannabis dispensary may purchase or obtain cannabis only from members of the cooperative or collective and may sell or distribute cannabis only to members of the cooperative or collective. As set forth in Section 3308(c), a medical cannabis dispensary may operate only on a not for profit basis and pay only reasonable compensation to itself and its members and pay only reasonable out-of-pocket expenses. ~~not~~ earn profits for itself or its members.

(g) "Medical Cannabis Identification Card" or "Identification Card" means a document issued by the State Department of Health Services pursuant to California Health and Safety Code Sections 11362.7 et seq. or the City pursuant to Health Code Article 28 that identifies a person authorized to engage in the medical use of cannabis and the person's designated

1 primary caregiver, if any, or identifies a person as a primary caregiver for a medical cannabis
2 patient.

3 (h) "Permittee" means the owner, proprietor, manager, or operator of a medical
4 cannabis dispensary or other individual, corporation, or partnership who obtains a permit
5 pursuant to this Article.

6 (i) "Primary caregiver" shall have the same definition as California Health and Safety
7 Code Section 11362.7 et seq., and as may be amended, and which defines "primary
8 caregiver" as an individual, designated by a qualified patient or by a person with an
9 identification card, who has consistently assumed responsibility for the housing, health, or
10 safety of that patient or person, and may include a licensed clinic, a licensed health care
11 facility, a residential care facility, a hospice, or a home health agency as allowed by California
12 Health and Safety Code Section 11362.7(d)(1-3).

13 (j) "Qualified patient" shall have the same definition as California Health and Safety
14 Code Section 11362.7 et seq., and as may be amended, and which states that a "qualified
15 patient" means a person who is entitled to the protections of California Health and Safety
16 Code Section 11362.5, but who does not have a valid medical cannabis identification card.
17 For the purposes of this Article, a "qualified patient who has a valid identification card" shall
18 mean a person who fulfills all of the requirements to be a "qualified patient" under California
19 Health and Safety Code Section 11362.7 et seq. and also has a valid medical cannabis
20 identification card

21 SEC. 3302. MEDICAL CANNABIS GUIDELINES.

22 Pursuant to the authority granted under Health and Safety Code section 11362.77, the
23 City and County of San Francisco enacts the following medical cannabis guidelines:

24 (a) A qualified patient, person with a valid identification card, or primary caregiver may
25 possess no more than eight ounces of dried cannabis per qualified patient. In addition, a

1 qualified patient, person with a valid identification card, or primary caregiver may also
2 maintain no more than twenty-four (24) cannabis plants per qualified patient or up to 25
3 square feet of total garden canopy measured by the combined vegetative growth area.

4 (b) If a qualified patient, person with an identification card, or primary caregiver has a
5 doctor's recommendation that this quantity does not meet the qualified patient's medical
6 needs, the qualified patient, person with an identification card, or primary caregiver may
7 possess an amount of cannabis consistent with the patient's needs.

8 (c) Only the dried mature processed flowers of female cannabis plant or the plant
9 conversion shall be considered when determining allowable quantities of cannabis under this
10 section.

11 SEC. 3303. PERMIT REQUIRED FOR MEDICAL CANNABIS DISPENSARY.

12 Except for research facilities, it is unlawful to operate or maintain, or to participate
13 therein, or to cause or to permit to be operated or maintained, any medical cannabis
14 dispensary without first obtaining a final permit pursuant to this Article. It is unlawful to operate
15 or maintain, or to participate therein, or to cause or to permit to be operated or maintained,
16 any medical cannabis dispensary with a provisional permit issued pursuant to this Article.

17 SEC. 3304. APPLICATION FOR MEDICAL CANNABIS DISPENSARY PERMIT.

18 (a) Every applicant for a medical cannabis dispensary permit shall file an application
19 with the Director upon a form provided by the Director and pay a non-refundable permit
20 application fee of \$6691.00 to cover the costs to all City departments of investigating and
21 processing the application and any applicable surcharges, exclusive of filing fees for appeals
22 before the Board of Appeals. Beginning with fiscal year 2006-2007, the application fee may be
23 adjusted each year, without further action by the Board of Supervisors, to reflect changes in
24 the relevant Consumer Price Index, as determined by the Controller. No later than April 15th
25 of each year, the Health Department shall, in collaboration with the Tax Collector's Office,

1 submit the application fee to the Controller, who shall apply the price index adjustment to
2 produce a new application fee for the following year. No later than May 15th of each year, the
3 Controller shall file a report with the Board of Supervisors reporting the new application fee
4 and certifying that: (a) the application fee produces sufficient revenue to support the costs of
5 providing the services for which the annual fee is being charged and (b) the application fee
6 does not produce revenue that exceeds the costs of providing the services for which the
7 application fee is charged. Notwithstanding the procedures set forth in this Section, the Board
8 of Supervisors, in its discretion, may modify the application fee by ordinance at any time.

9 (b) The permit application form shall provide clear notice to applicants that the
10 California Fire Code includes a requirement, among others that may apply, that an
11 establishment obtain a place of assembly permit if it will accommodate 50 or more persons
12 based on its square footage.

13 (c) The applicant for a medical cannabis dispensary permit shall set forth, under
14 penalty of perjury, following on the permit application:

15 (1) The proposed location of the medical cannabis dispensary;

16 (2) The name and residence address of each person applying for the permit and any
17 other person who will be engaged in the management of the medical cannabis dispensary;

18 (3) A unique identifying number from at least one government-issued form of
19 identification, such as a social security card, a state driver's license or identification card, or a
20 passport for of each person applying for the permit and any other person who will be engaged
21 in the management of the medical cannabis dispensary;

22 (4) Written evidence that each person applying for the permit and any other person
23 who will be engaged in the management of the medical cannabis dispensary is at least 18
24 years of age;

1 (5) All felony convictions of each person applying for the permit and any other person
2 who will be engaged in the management of the medical cannabis dispensary;

3 (6) Whether cultivation of medical cannabis shall occur on the premises of the medical
4 cannabis dispensary;

5 (7) Whether smoking of medical cannabis shall occur on the premises of the medical
6 cannabis dispensary;

7 (8) Whether food will be prepared, dispensed or sold on the premises of the medical
8 cannabis dispensary; and

9 (9) Proposed security measures for the medical cannabis dispensary, including
10 lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

11 (e) Applicants must be a cooperative or a collective. If the applicant is a cooperative
12 organized under the Corporations Code, Sections 12300, et seq., or the Food and Agricultural Code,
13 Sections 54002, et seq., the applicant shall set forth the name of the cooperative exactly as shown in its
14 articles of incorporation, and the names and residence addresses of each of the officers, directors and
15 each stockholder owning more than 10 percent of the stock of the corporation. If the applicant is a a
16 collective organized as a corporation, the applicant shall set forth the name of the corporation
17 exactly as shown in its articles of incorporation, and the names and residence addresses of
18 each of the officers, directors and each stockholder owning more than 10 percent of the stock
19 of the corporation. If the applicant is a collective organized as a partnership, the application shall
20 set forth the name and residence address of each of the partners, including the general partner
21 and any limited partners. If ~~one or more of the partners is~~ a corporation or a partnership is a
22 stockholder owning more than 10 percent of the stock of a corporation or is one or more of the partners
23 in a partnership, the provisions of this Section pertaining to ~~a corporation apply~~ the disclosure
24 required for a corporation or partnership, as applicable, shall also apply to that entity.

1 (f) The Director is hereby authorized to require in the permit application any other
2 information including, but not limited to, any information necessary to discover the truth of the
3 matters set forth in the application.

4 (g) The Department of Public Health shall make reasonable efforts to arrange with the
5 Department of Justice and with DOJ-certified fingerprinting agencies for fingerprinting services
6 and criminal background checks for the purposes of verifying the information provided under
7 Section 3304(c)(5) and certifying the listed individuals as required by Section 3307(c)(4). The
8 applicant or each person listed in Section 3304(c)(5) shall assume the cost of fingerprinting
9 and background checks, and shall execute all forms and releases required by the DOJ and
10 the DOJ-certified fingerprinting agency.

11 SEC. 3305. REFERRAL TO OTHER DEPARTMENTS.

12 (a) Upon receiving a completed medical cannabis dispensary permit application and
13 permit application fee, the Director shall immediately refer the permit application to the City's
14 Planning Department, Department of Building Inspection, Mayor's Office on Disability, and
15 Fire Department.

16 (b) Said departments shall inspect the premises proposed to be operated as a
17 medical cannabis dispensary and confirm the information provided in the application and shall
18 make separate written recommendations to the Director concerning compliance with the
19 codes that they administer.

20 SEC. 3306. NOTICE OF HEARING ON PERMIT APPLICATION.

21 (a) After receiving written approval of the permit application from other City
22 Departments as set out in Section 3305, and notice from the Department of Building
23 Inspection that it has approved a building permit, the Director shall fix a time and place for a
24 public hearing on the application, which date shall not be more than 45 days after the
25 Director's receipt of the written approval of the permit application from other City Departments

1 (b) No fewer than 10 days before the date of the hearing, the permit applicant shall
2 cause to be posted a notice of such hearing in a conspicuous place on the property at which
3 the proposed medical cannabis dispensary is to be operated. The applicant shall comply with
4 any requirements regarding the size and type of notice specified by the Director. The
5 applicant shall maintain the notice as posted the required number of days.

6 SEC. 3307. ISSUANCE OF MEDICAL CANNABIS DISPENSARY PERMIT.

7 (a) Within 14 days following a hearing, the Director shall either issue a provisional
8 permit or mail a written statement of his or her reasons for denial thereof to the applicant.

9 (b) In recommending the granting or denying of a provisional permit and in granting or
10 denying the same, the Director shall give particular consideration to the capacity,
11 capitalization, complaint history of the applicant and any other factors that in their discretion
12 he or she deems necessary to the peace and order and welfare of the public. In addition, prior
13 to granting a provisional permit, the Director shall review criminal history information provided
14 by the Department of Justice for the purpose of certifying that each person applying for the
15 permit and any other person who will be engaged in the management of the medical cannabis
16 dispensary has not been convicted of a violent felony within the State of California, as defined
17 in Penal Code section 667.5(c), or a crime that would have constituted a violent felony as
18 defined in Penal Code section 667.5(c) if committed within the State of California. However,
19 the Director may certify and issue a medical cannabis dispensary provisional permit to any
20 individual convicted of such a crime if the Director finds that the conviction occurred at least
21 five years prior to the date of the permit application or more than three years have passed
22 from the date of the termination of a penalty for such conviction to the date of the permit
23 application and, that no subsequent felony convictions of any nature have occurred.

24 (c) No medical cannabis dispensary provisional permit shall be issued if the Director
25 finds:

1 (1) That the applicant has provided materially false documents or testimony; or
2 (2) That the applicant has not complied fully with the provisions of this Article; or
3 (3) That the operation as proposed by the applicant, if permitted, would not have
4 complied with all applicable laws, including, but not limited to, the Building, Planning, Housing,
5 Police, Fire, and Health Codes of the City, including the provisions of this Article and
6 regulations issued by the Director pursuant to this Article; or

7 (4) That the permit applicant or any other person who will be engaged in the
8 management of the medical cannabis dispensary has been convicted of a violent felony as
9 defined in Penal Code section 667.5(c) within the State of California or a crime that would
10 have constituted a violent felony as defined in Penal Code section 667.5(c) if committed within
11 the State of California. However, the Director may issue a medical cannabis dispensary
12 provisional permit to any individual convicted of such a crime if the Director finds that the
13 conviction occurred at least five years prior to the date of the permit application or more than
14 three years have passed from the date of the termination of a penalty for such conviction to
15 the date of the permit application and, that no subsequent felony convictions of any nature
16 have occurred; or

17 (5) That a permit for the operation of a medical cannabis dispensary, which permit
18 had been issued to the applicant or to any other person who will be engaged in the
19 management of the medical cannabis dispensary, has been revoked, unless more than five
20 years have passed from the date of the revocation to the date of the application; or

21 (6) That the City has revoked a permit for the operation of a business in the City which
22 permit had been issued to the applicant or to any other person who will be engaged in the
23 management of the medical cannabis dispensary unless more than five years have passed
24 from the date of the application to the date of the revocation.
25

1 (d) Applicants with provisional permits shall secure a Certificate of Final Completion
2 and Occupancy as defined in San Francisco Building Code Section 307 and present it to the
3 Director, and the Director shall issue the applicant a final permit.

4 (e) The Director shall notify the Police Department of all approved permit applications.

5 (f) The final permit shall contain the following language: "Issuance of this permit by
6 the City and County of San Francisco is not intended to and does not authorize the violation of
7 State or Federal law."

8 SEC. 3308. OPERATING REQUIREMENTS FOR MEDICAL CANNABIS
9 DISPENSARY.

10 (a) Medical cannabis dispensaries shall meet all the operating criteria for the
11 dispensing of medical cannabis as is required pursuant to California Health and Safety Code
12 Section 11362.7 et seq., by this Article, *and* by the Director's administrative regulations for the
13 permitting and operation of medical cannabis dispensaries and by the AG's Guidelines.

14 (b) Medical cannabis dispensaries shall be operated only as collectives or
15 cooperatives in accordance this ordinance. All patients or caregivers served by a medical
16 cannabis dispensary shall be members of that medical cannabis dispensary's collective or
17 cooperative. Medical cannabis dispensaries shall maintain membership records on-site or have them
18 reasonably available.

19 (c) The medical cannabis dispensary shall operate on a not for profit non-profit basis. It
20 shall receive only compensation for the reasonable costs of operating the dispensary, actual
21 expenses, including reasonable compensation incurred for services provided to qualified
22 patients or primary caregivers to enable that person to use or transport cannabis pursuant to
23 California Health and Safety Code Section 11362.7 et seq., or for payment for reasonable out-
24 of-pocket expenses incurred in providing those services, or both. Reasonable out-of-pocket
25 expenses may include reasonable expenses for patient services, rent or mortgage, utilities,

1 employee costs, furniture, maintenance and reserves. Sale of medical cannabis to cover
2 anything other than reasonable compensation and reasonable out-of-pocket expenses for
3 excessive profits is explicitly prohibited. Once a year, commencing in March 2008, each
4 medical cannabis dispensary shall provide to the Department a written statement by the
5 dispensary's permittee made under penalty of perjury attesting to the dispensary's compliance
6 with this paragraph. Upon request by the Department, based on reasonable suspicion of
7 noncompliance, the medical cannabis dispensary shall provide the Department copies of, or access
8 to, such books, records and any other financial records information as the Department determines
9 are necessary to show compliance with this paragraph. Reasonable suspicion is defined as
10 possession of specific and articulate facts warranting a reasonable belief that the dispensary
11 is not complying with the requirement that it be not for profit. Financial records are records of
12 revenues and expenses for the organization, including but not limited to Board of Equalization
13 returns, payroll records, business expense records and income tax returns. The Director only
14 shall disclose these financial records to those City and County departments necessary to
15 support the Director's review of the records. Upon completion of the Director's review, and
16 provided that the Director no longer has any need for the records, the Director shall return any
17 financial records, and copies thereof, to the medical cannabis dispensary.

18 (d) Medical cannabis dispensaries shall sell or distribute only cannabis manufactured
19 and processed in the State of California that has not left the State before arriving at the
20 medical cannabis dispensary.

21 (e) It is unlawful for any person or association operating a medical cannabis
22 dispensary under the provisions of this Article to permit any breach of peace therein or any
23 disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct, or
24 otherwise, or to permit such dispensary to remain open, or patrons to remain upon the
25 premises, between the hours of 10 p.m. and 8 a.m. the next day. However, the Department

1 shall issue permits to two medical cannabis dispensaries permitting them to remain open 24
2 hours per day. These medical cannabis dispensaries shall be located in order to provide
3 services to the population most in need of 24 hour access to medical cannabis. These
4 medical cannabis dispensaries shall be located at least one mile from each other and shall be
5 accessible by late night public transportation services. However, in no event shall a medical
6 cannabis dispensary located in a Small-Scale Neighborhood Commercial District, a Moderate
7 Scale Neighborhood Commercial District, or a Neighborhood Commercial Shopping Center
8 District as defined in Sections 711, 712 and 713 of the Planning Code, be one of the two
9 medical cannabis dispensaries permitted to remain open 24 hours per day.

10 (f) Medical cannabis dispensaries may not dispense more than one ounce of dried
11 cannabis per qualified patient to a qualified patient or primary caregiver per visit to the medica
12 cannabis dispensary. Medical cannabis dispensaries may not maintain more than ninety-nine
13 (99) cannabis plants in up to 100 square feet of total garden canopy measured by the
14 combined vegetative growth area. Medical cannabis dispensaries shall use medical cannabis
15 identification card numbers to ensure compliance with this provision. If a qualified patient or a
16 primary caregiver has a doctor's recommendation that this quantity does not meet the
17 qualified patient's medical needs, the qualified patient or the primary caregiver may possess
18 and the medical cannabis dispensary may dispense an amount of dried cannabis and
19 maintain a number cannabis plants consistent with those needs. Only the dried mature
20 processed flowers of female cannabis plant or the plant conversion shall be considered when
21 determining allowable quantities of cannabis under this Section.

22 (g) No medical cannabis shall be smoked, ingested or otherwise consumed in the
23 public right-of-way within fifty (50) feet of a medical cannabis dispensary. Any person violating
24 this provision shall be deemed guilty of an infraction and upon the conviction thereof shall be
25

1 punished by a fine of \$100. Medical cannabis dispensaries shall post a sign near their
2 entrances and exits providing notice of this policy.

3 (h) Any cultivation of medical cannabis on the premises of a medical cannabis
4 dispensary must be conducted indoors.

5 (i) All sales and dispensing of medical cannabis shall be conducted on the premises
6 of the medical cannabis dispensary. However, delivery of cannabis to qualified patients with
7 valid identification cards or a verifiable, written recommendation from a physician for medical
8 cannabis and primary caregivers with a valid identification card outside the premises of the
9 medical cannabis dispensary is permitted if the person delivering the cannabis is a qualified
10 patient with a valid identification card or a verifiable, written recommendation from a physician
11 for medical cannabis or a primary caregiver with a valid identification card who is a member of
12 the medical cannabis dispensary.

13 (j) The medical cannabis dispensary shall not hold or maintain a license from the
14 State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a
15 business that sells alcoholic beverages. Nor shall alcoholic beverages be consumed on the
16 premises or on in the public right-of-way within fifty feet of a medical cannabis dispensary.

17 (k) In order to protect confidentiality, the medical cannabis dispensary shall maintain
18 records of all qualified patients with a valid identification card and primary caregivers with a
19 valid identification card using only the identification card number issued by the State or City
20 pursuant to California Health and Safety Code Section 11362.7 et seq. and City Health Code
21 Article 28.

22 (l) The medical cannabis dispensary shall provide litter removal services twice each
23 day of operation on and in front of the premises and, if necessary, on public sidewalks within
24 hundred (100) feet of the premises.
25

1 (m) The medical cannabis dispensary shall provide and maintain adequate security on
2 the premises, including lighting and alarms reasonably designed to ensure the safety of
3 persons and to protect the premises from theft.

4 (n) Signage for the medical cannabis dispensary shall be limited to one wall sign not
5 to exceed ten square feet in area, and one identifying sign not to exceed two square feet in
6 area; such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the
7 medical cannabis dispensary has no exterior wall sign, shall include the following language:
8 "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable,
9 written recommendation from a physician for medical cannabis may obtain cannabis from
10 medical cannabis dispensaries." The required text shall be a minimum of two inches in height.
11 This requirement shall remain in effect so long as the system for distributing or assigning
12 medical cannabis identification cards preserves the anonymity of the qualified patient or
13 primary caregiver.

14 (o) All print and electronic advertisements for medical cannabis dispensaries,
15 including but not limited to flyers, general advertising signs, and newspaper and magazine
16 advertisements, shall include the following language: "Only individuals with legally recognized
17 Medical Cannabis Identification Cards or a verifiable, written recommendation from a
18 physician for medical cannabis may obtain cannabis from medical cannabis dispensaries."
19 The required text shall be a minimum of two inches in height except in the case of general
20 advertising signs where it shall be a minimum of six inches in height. Oral advertisements for
21 medical cannabis dispensaries, including but not limited to radio and television
22 advertisements shall include the same language. This requirement shall remain in effect so
23 long as the system for distributing or assigning medical cannabis identification cards
24 preserves the anonymity of the qualified patient or primary carver.

1 (p) The medical cannabis dispensary shall provide the Director and all neighbors
2 located within 50 feet of the establishment with the name phone number and facsimile number
3 of an on-site community relations staff person to whom one can provide notice if there are
4 operating problems associated with the establishment. The medical cannabis dispensary shall
5 make every good faith effort to encourage neighbors to call this person to try to solve
6 operating problems, if any, before any calls or complaints are made to the Police Department
7 or other City officials.

8 (q) Medical cannabis dispensaries may purchase or obtain cannabis only from members of
9 the medical cannabis dispensary's cooperative or collective and may sell or distribute cannabis only
10 to members of the medical cannabis dispensary's cooperative or collective ~~or cooperative~~.

11 (r) Medical cannabis dispensaries may sell or distribute cannabis only to those
12 members with a medical cannabis identification card or a verifiable, written recommendation
13 from a physician for medical cannabis. This requirement shall remain in effect so long as the
14 system for distributing or assigning medical cannabis identification cards preserves the
15 anonymity of the qualified patient or primary caregiver.

16 (s) It shall be unlawful for any medical cannabis dispensary to employ any person who
17 is not at least 18 years of age.

18 (t) It shall be unlawful for any medical cannabis dispensary to allow any person who is
19 not at least 18 years of age on the premises during hours of operation unless that person is a
20 qualified patient with a valid identification card or primary caregiver with a valid identification
21 card or a verifiable, written recommendation from a physician for medical cannabis.

22 (u) Medical cannabis dispensaries that display or sell drug paraphernalia must do so
23 in compliance with California Health and Safety Code §§ 11364.5 and 11364.7.
24
25

1 (v) Medical cannabis dispensaries shall maintain all scales and weighing mechanisms
2 on the premises in good working order. Scales and weighing mechanisms used by medical
3 cannabis dispensaries are subject to inspection and certification by the Director.

4 (w) Medical cannabis dispensaries that prepare, dispense or sell food must comply
5 with and are subject to the provisions of all relevant State and local laws regarding the
6 preparation, distribution and sale of food.

7 (x) The medical cannabis dispensary shall meet any specific, additional operating
8 procedures and measures as may be imposed as conditions of approval by the Director in
9 order to insure that the operation of the medical cannabis dispensary is consistent with the
10 protection of the health, safety and welfare of the community, qualified patients and primary
11 caregivers, and will not adversely affect surrounding uses.

12 (y) Medical cannabis dispensaries shall be accessible as required under the California
13 Building Code. Notwithstanding the foregoing, if a medical cannabis dispensary cannot show
14 that it will be able to meet the disabled access standard for new construction, it shall meet the
15 following minimum standards:

16 (1) An accessible entrance;

17 (2) Any ground floor service area must be accessible, including an accessible
18 reception counter and access aisle to the employee workspace behind; and,

19 (3) An accessible bathroom, with a toilet and sink, if a bathroom is provided, except
20 where an unreasonable hardship exemption is granted.

21 (4) A "limited use/limited access" (LULA) elevator that complies with ASME A17.1
22 Part XXV or an Article 15 elevator may be used on any accessible path of travel, but vertical
23 or inclined platform lifts may not.

24 (5) Any medical cannabis dispensary that distributes medical cannabis solely through
25 delivery to qualified patients or primary caregivers and does not engage in on-site distribution

1 or sales of medical cannabis shall be exempt from the requirements of this subsection
2 3308(y).

3 (z) Any medical cannabis dispensary in a building that began the Landmark Initiation
4 process (as codified by Article 10 of the San Francisco Planning Code) by August 13, 2007 is
5 exempt from the requirements set forth in section 3308(y) of this legislation until September 1,
6 2008.

7 (aa) Prior to submission of a building permit application, the applicant shall submit its
8 application to the Mayor's Office on Disability. The Mayor's Office on Disability shall review the
9 application for access compliance and forward recommendations to the Department of
10 Building Inspection.

11 SEC. 3309. PROHIBITED OPERATIONS.

12 All medical cannabis dispensaries operating in violation of California Health and Safety
13 Code Sections 11362.5 and 11326.7 et seq., or this Article are expressly prohibited. No entity
14 that distributed medical cannabis prior to the enactment of this Article shall be deemed to
15 have been a legally established use under the provisions of this Article, and such use shall not
16 be entitled to claim legal nonconforming status for the purposes of permitting,

17 SEC. 3310. DISPLAY OF PERMIT.

18 Every permit to operate a medical cannabis dispensary shall be displayed in a
19 conspicuous place within the establishment so that the permit may be readily seen by
20 individuals entering the premises.

21 SEC. 3311. SALE OR TRANSFER OF PERMITS.

22 (a) Upon sale, transfer or relocation of a medical cannabis dispensary, the permit and
23 license for the establishment shall be null and void unless another permit has been issued
24 pursuant to this Article; provided, however, that upon the death or incapacity of the permittee.
25

1 the medical cannabis dispensary may continue in business for six months to allow for an
2 orderly transfer of the permit.

3 (b) If the permittee is a corporation, a transfer of 25 percent of the stock ownership of
4 the permittee will be deemed to be a sale or transfer and the permit and license for the
5 establishment shall be null and void unless a permit has been issued pursuant to this Article;
6 provided, however that this subsection shall not apply to a permittee corporation, the stock of
7 which is listed on a stock exchange in this State or in the City of New York, State of New York
8 or which is required by law, to file periodic reports with the Securities and Exchange
9 Commission.

10 SEC. 3312. RULES AND REGULATIONS.

11 (a) The Director shall issue rules and regulations regarding the conduct of hearings
12 concerning the denial, suspension or revocation of permits and the imposition of
13 administrative penalties on medical cannabis dispensaries.

14 (b) The Director may issue regulations governing the operation of medical cannabis
15 dispensaries. These regulations shall include, but need not be limited to:

16 (1) A requirement that the operator provide patients and customers with information
17 regarding those activities that are prohibited on the premises;

18 (2) A requirement that the operator prohibit patrons from entering or remaining on the
19 premises if they are in possession of or are consuming alcoholic beverages or are under the
20 influence of alcohol;

21 (3) A requirement that the operator require employees to wash hands and use
22 sanitary utensils when handling cannabis;

23 (4) A description of the size and type of notice of hearing to be posted in a
24 conspicuous place on the property at which the proposed medical cannabis dispensary is to
25 be operated and the number of days said notice shall remain posted; and

1 (5) A description of the size and type of sign posted near the entrances and exits of
2 medical cannabis dispensaries providing notice that no medical cannabis shall be smoked,
3 ingested or otherwise consumed in the public right of way within fifty (50) feet of a medical
4 cannabis dispensary and that any person violating this policy shall be deemed guilty of an
5 infraction and upon the conviction thereof shall be punished by a fine of \$100.

6 (c) Failure by an operator to do either of the following shall be grounds for suspension
7 or revocation of a medical cannabis dispensary permit: (1) comply with any regulation adopted
8 by the Director under this Article, or (2) give free access to areas of the establishment to
9 which patrons have access during the hours the establishment is open to the public, and at all
10 other reasonable times, at the direction of the Director, or at the direction of any City fire,
11 planning, or building official or inspector for inspection with respect to the laws that they are
12 responsible for enforcing.

13 SEC. 3313. INSPECTION AND NOTICES OF VIOLATION.

14 (a) The Director may inspect each medical cannabis dispensary regularly and based
15 on complaints, but in no event fewer than two times annually, for the purpose of determining
16 compliance with the provisions of this Article and/or the rules and regulations adopted
17 pursuant to this Article. If informal attempts by the Director to obtain compliance with the
18 provisions of this Article fail, the Director may take the following steps:

19 (1) The Director may send written notice of noncompliance with the provisions of this
20 Article to the operator of the medical cannabis dispensary. The notice shall specify the steps
21 that must be taken to bring the establishment into compliance. The notice shall specify that
22 the operator has 10 days in which to bring the establishment into compliance.

23 (2) If the Director inspector determines that the operator has corrected the problem
24 and is in compliance with the provisions of this Article, the Director may so inform the
25 operator.

1 (3) If the Director determines that the operator failed to make the necessary changes
2 in order to come into compliance with the provisions of this Article, the Director may issue a
3 notice of violation.

4 (b) The Director may not suspend or revoke a permit issued pursuant to this Article,
5 impose an administrative penalty, or take other enforcement action against a medical
6 cannabis dispensary until the Director has issued a notice of violation and provided the
7 operator an opportunity to be heard and respond as provided in Section 3316.

8 (c) If the Director concludes that announced inspections are inadequate to ascertain
9 compliance with this Article (based on public complaints or other relevant circumstances), the
10 Director may use other appropriate means to inspect the areas of the establishment to which
11 patrons have access. If such additional inspection shows noncompliance, the Director may
12 issue either a notice of noncompliance or a notice of violation, as the Director deems
13 appropriate.

14 (d) Every person to whom a permit shall have been granted pursuant to this Article
15 shall post a sign in a conspicuous place in the medical cannabis dispensary. The sign shall
16 state that it is unlawful to refuse to permit an inspection by the Department of Public Health, or
17 any City peace, fire, planning, or building official or inspector, conducted during the hours the
18 establishment is open to the public and at all other reasonable times, of the areas of the
19 establishment to which patrons have access.

20 (e) Nothing in this Section shall limit or restrict the authority of a Police Officer to enter
21 premises licensed or permitted under this Article (i) pursuant to a search warrant signed by a
22 magistrate and issued upon a showing of probable cause to believe that a crime has been
23 committed or attempted, (ii) without a warrant in the case of an emergency or other exigent
24 circumstances, or (iii) as part of any other lawful entry in connection with a criminal
25 investigation or enforcement action.

1 SEC. 3314. VIOLATIONS AND PENALTIES.

2 (a) Any dispensary, dispensary operator or dispensary manager who violates any
3 provision of this Article or any rule or regulation adopted pursuant to this Article may, after
4 being provided notice and an opportunity to be heard, be subject to an administrative penalty
5 not to exceed \$1,000 for the first violation of a provision or regulation in a 12-month period,
6 \$2,500 for the second violation of the same provision or regulation in a 12-month period; and
7 \$5, 000 for the third and subsequent violations of the same provision or regulation in a 12-
8 month period.

9 (b) The Director may not impose an administrative penalty or take other enforcement
10 action under this Article against a medical cannabis dispensary until the Director has issued a
11 notice of violation and provided the operator an opportunity to be heard and respond as
12 provided in Section 3316.

13 (c) Nothing herein shall prohibit the District Attorney from exercising the sole
14 discretion vested in that officer by law to charge an operator, employee, or any other person
15 associated with a medical cannabis dispensary with violating this or any other local or State
16 law.

17 SEC. 3315. REVOCATION AND SUSPENSION OF PERMIT.

18 (a) Any permit issued for a medical cannabis dispensary may be revoked, or
19 suspended for up to 30 days, by the Director if the Director determines that:

20 (1) the manager, operator or any employee has violated any provision of this Article or
21 any regulation issued pursuant to this Article;

22 (2) the permittee has engaged in any conduct in connection with the operation of the
23 medical cannabis dispensary that violates any State or local laws, or any employee of the
24 permittee has engaged in any conduct that violates any State or local laws at permittee's
25

1 medical cannabis dispensary, and the permittee had or should have had actual or constructive
2 knowledge by due diligence that the illegal conduct was occurring;

3 (3) the permittee has engaged in any material misrepresentation when applying for a
4 permit;

5 (4) the medical cannabis dispensary is being managed, conducted, or maintained
6 without regard for the public health or the health of patrons;

7 (5) the manager, operator or any employee has refused to allow any duly authorized
8 City official to inspect the premises or the operations of the medical cannabis dispensary;

9 (6) based on a determination by another City department, including the Department of
10 Building Inspections, the Fire Department, the Police Department, and the Planning
11 Department, that the medical cannabis dispensary is not in compliance with the laws under
12 the jurisdiction of the Department.

13 (b) The Director may not suspend or revoke a permit issued pursuant to this Article or
14 take other enforcement action against a medical cannabis dispensary until the Director has
15 issued a notice of violation and provided the operator an opportunity to be heard and respond
16 as provided in Section 3316.

17 (c) Notwithstanding paragraph (b), the Director may suspend summarily any medical
18 cannabis dispensary permit issued under this Article pending a noticed hearing on revocation
19 or suspension when in the opinion of the Director the public health or safety requires such
20 summary suspension. Any affected permittee shall be given notice of such summary
21 suspension in writing delivered to said permittee in person or by registered letter.

22 (d) If a permit is revoked no application for a medical cannabis dispensary may be
23 submitted by the same person for three years.

24 SEC. 3316. NOTICE AND HEARING FOR ADMINISTRATIVE PENALTY AND/OR
25 REVOCATION OR SUSPENSION.

1 (a) If the Director determines that a medical cannabis dispensary is operating in
2 violation of this Article and/or the rules and regulations adopted pursuant to this Article, he or
3 she shall issue a notice of violation to the operator of the medical cannabis dispensary.

4 (b) The notice of violation shall include a copy of this Section and the rules and
5 regulations adopted pursuant to this Article regarding the conduct of hearings concerning the
6 denial, suspension or revocation of permits and the imposition of administrative penalties on
7 medical cannabis dispensaries. The notice of violation shall include a statement of any
8 informal attempts by the Director to obtain compliance with the provisions of this Article
9 pursuant to Section 3313(a). The notice of violation shall inform the operator that:

10 (1) The Director has made an initial determination that the medical cannabis
11 dispensary is operating in violation of this Article and/or the rules and regulations adopted
12 pursuant to this Article; and

13 (2) The alleged acts or failures to act that constitute the basis for the Directors initial
14 determination; and

15 (3) That the Director intends to take enforcement action against the operator, and the
16 nature of that action including the administrative penalty to be imposed, if any, and/or the
17 suspension or revocation of the operator's permit; and

18 (4) That the operator has the right to request a hearing before the Director within
19 fifteen (15) days of receipt of the notice of violation in order to allow the operator an
20 opportunity to show that the medical cannabis dispensary is operating in compliance with this
21 Article and/or the rules and regulations adopted pursuant to this Article.

22 (c) If no request for a hearing is. filed with the Director within the appropriate period,
23 the initial determination shall be deemed final and shall be effective fifteen (15) days after the
24 notice of initial determination was served on the alleged violator. The Director shall issue an
25 Order imposing the enforcement action and serve it upon the party served with the notice of

1 initial determination. Payment of any administrative penalty is due within 30 days of service of
2 the Director's Order. Any administrative penalty assessed and received in an action brought
3 under this Article shall be paid to the Treasurer of the City and County of San Francisco. The
4 alleged violator against whom an administrative penalty is imposed also shall be liable for the
5 costs and attorney's fees incurred by the City in bringing any civil action to enforce the
6 provisions of this Section, including obtaining a court order requiring payment of the
7 administrative penalty.

8 (d) If the alleged violator files a timely request for a hearing, within fifteen (15) days of
9 receipt of the request, the Director shall notify the requestor of the date, time, and place of the
10 hearing. The Director shall make available all documentary evidence against the medical
11 cannabis dispensary no later than fifteen (15) days prior to the hearing. Such hearing shall be
12 held no later than forty-five (45) days after the Director receives the request, unless time is
13 extended by mutual agreement of the affected parties.

14 (e) At the hearing, the medical cannabis dispensary shall be provided an opportunity
15 to refute all evidence against it. The Director shall conduct the hearing. The hearing shall be
16 conducted pursuant to rules and regulations adopted by the Director.

17 (f) Within twenty (20) days of the conclusion of the hearing, the Director shall serve
18 written notice of the Director's decision on the alleged violation. If the Director's decision is
19 that the alleged violator must pay an administrative penalty, the notice of decision shall state
20 that the recipient has ten (10) days in which to pay the penalty. Any administrative penalty
21 assessed and received in an action brought under this Article shall be paid to the Treasurer of
22 the City. The alleged violator against whom an administrative penalty is imposed also shall be
23 liable for the costs and attorney's fees incurred by the City in bringing any civil action to
24 enforce the provisions of this Section, including obtaining a court order requiring payment of
25 the administrative penalty.

1 SEC. 3317. APPEALS TO BOARD OF APPEALS.

2 (a) Right of Appeal. The final decision of the Director to grant, deny, suspend, or
3 revoke a permit, or to impose administrative sanctions, as provided in this Article, may be
4 appealed to the Board of Appeals in the manner prescribed in Article 1 of the San Francisco
5 Business and Tax Relations Code. An appeal shall stay the action of the Director.

6 (b) Hearing. The procedure and requirements governing an appeal to the Board of
7 Appeals shall be as specified in Article 1 of the San Francisco Business and Tax Regulations
8 Code.

9 SEC. 3318. BUSINESS LICENSE AND BUSINESS REGISTRATION CERTIFICATE.

10 (a) Every medical cannabis dispensary shall be required to obtain a business license
11 from the City in compliance with Article 2 of the Business and Tax Regulations Code.

12 (b) Every medical cannabis dispensary shall be required to obtain a business
13 registration certificate from the City in compliance with Article 12 of the Business and Tax
14 Regulations Code.

15 SEC. 3319. DISCLAIMERS AND LIABILITY.

16 By regulating medical cannabis dispensaries, the City and County of San Francisco is
17 assuming an undertaking only to promote the general welfare. It is not assuming, nor is it
18 imposing on its officers and employees, an obligation for breach of which it is liable in money
19 damages to any person who claims that such breach proximately caused injury. To the fullest
20 extent permitted by law, the City shall assume no liability whatsoever, and expressly does not
21 waive sovereign immunity, with respect to the permitting and licensing provisions of this
22 Article, or for the activities of any medical cannabis dispensary. To the fullest extent permitted
23 by law, any actions taken by a public officer or employee under the provisions of this Article
24 shall not become a personal liability of any public officer or employee of the City. This Article
25 (the "Medical Cannabis Act") does not authorize the violation of state or federal law.

1 SEC. 3320. SEVERABILITY.

2 If any provision of this Article or the application of any such provision to any person or
3 circumstance, shall be held invalid, the remainder of this Article, to the extent it can be given
4 effect, or the application of those provisions to persons or circumstances other than those to
5 which it is held invalid, shall not be affected thereby, and to this end the provisions of this
6 Article are severable.

7 SEC. 3321. ANNUAL REPORT BY DIRECTOR.

8 (a) Once a year, commencing in January 2007, the Director shall make a report to the
9 Board of Supervisors that:

10 (1) sets forth the number and location of medical cannabis dispensaries currently
11 permitted and operating in the City;

12 (2) sets forth an estimate of the number of medical cannabis patients currently active
13 in the City;

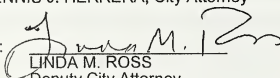
14 (3) provides an analysis of the adequacy of the currently permitted and operating
15 medical cannabis dispensaries in the City in meeting the medical needs of patients;

16 (4) provides a summary of the past year's violations of this Article and penalties
17 assessed.

18 (b) Upon receipt of this Report, the Board of Supervisors shall hold a hearing to
19 consider whether any changes to City law, including but not limited to amendments to the
20 Health Code or Planning Code, are warranted.

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:

24 
LINDA M. ROSS

25 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 081199

Date Passed:

Ordinance approving amendments to the Medical Cannabis Act to clarify that a medical cannabis dispensary shall be a cooperative or collective and shall operate as a non-profit.

November 18, 2008 Mayor — SUBSTITUTED

January 27, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

February 3, 2009 Board of Supervisors — FINALLY PASSED

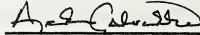
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081199

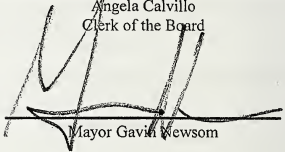
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on February 3, 2009
by the Board of Supervisors of the City and
County of San Francisco.

2/13/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Reentry Council]

Ordinance amending the San Francisco Administrative Code by modifying Section 5.1-3 to clarify that the Board of Supervisors shall appoint four, rather than three, of the members of the Reentry Council who are former inmates, and to exempt all members of the Reentry Council from the requirement that they be electors of the City and County.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by modifying Section 5.1-3 to read as follows:

SEC. 5.1-3. MEMBERSHIP AND ORGANIZATION.

(a) **Members.** The Council shall consist of 21 members, seven of whom shall be former inmates in the San Francisco County Jail, a California Department of Corrections and Rehabilitation adult facility, and/or a United States Bureau of Prison facility. The Mayor, or his designee, shall serve as a member, and shall also appoint three of these seven members. The Board of Supervisors shall appoint the other fourthree of these members. At least two of these seven members shall have expertise in providing services to individuals exiting the criminal justice system. At least one of these seven members must have been released from custody within two years of his or her appointment; at least one must have served multiple terms, and at least one must be between the ages of 18 to 24 at the time of appointment. All members of the Council shall be exempt from the Charter requirement that they be electors of the City and County of San Francisco.

Supervisor Mirkarimi
BOARD OF SUPERVISORS

GOVERNMENT
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1 The following City departments or agencies shall appoint one member each to the
2 Council: the Public Defender's Office, the District Attorney's Office, the Sheriff's Department;
3 the Police Department; the Adult Probation Department, the Juvenile Probation Department,
4 the Department of Economic and Workforce Development; the Human Services Agency, and
5 the Department of Public Health. In addition, Council co-chairs shall invite the San Francisco
6 Superior Court, the Department of Child Support Services, the California Department of
7 Corrections and Rehabilitation -- Division of Adult Parole Operations, and the United States
8 Probation and Pretrial Services System to appoint one member each to the Council. If any of
9 these four agencies does not appoint a representative, the Council co-chairs shall appoint an
10 additional member.

11 Members shall serve two-year terms and shall serve at the pleasure of the appointing
12 authority. Members may serve multiple terms.

13 (b) **Quorum.** Seven members of the Council shall constitute a quorum, and the
14 Council shall have the authority to act on the vote of the majority of the quorum.

15 (c) **Officers.** The three members appointed by the District Attorney's Office, the Public
16 Defender's Office, and the Sheriff's Department, respectively, as well as the Mayor or the
17 Mayor's representative, shall co-chair the Council.

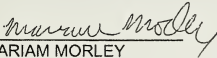
18 (d) **Subcommittees.** The Council may establish subcommittees to be convened as
19 directed by the Council. The Council's co-chairs shall appoint members to the
20 subcommittees. Subcommittees shall report findings and make recommendations to the full
21 Council for their consideration. The membership of these subcommittees shall be open to
22 non-members of the Council who shall be drawn from a range of diverse experiences,
23 identities, and interests related to the issue of reentry.

24 (e) **Meeting Frequency.** The Council shall meet in full at least three times per year.
25

1 (f) **Roles of Council Members.** Each member of the Council shall retain his or her
2 official authority and duties granted under State law. In adopting this legislation, the Board of
3 Supervisors recognizes that each member of the Council retains his or her authority and
4 duties under State law and that where conflicts may arise out of members' dual roles, State
5 powers and duties shall supersede the duties that the ordinance creating the council impose
6 on Council members.

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10
11 By:


12 MARIAM MORLEY
13 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 081511

Date Passed:

Ordinance amending the San Francisco Administrative Code by modifying Section 5.1-3 to clarify that the Board of Supervisors shall appoint four, rather than three, of the members of the Reentry Council who are former inmates, and to exempt all members of the Reentry Council from the requirement that they be electors of the City and County.

January 27, 2009 Board of Supervisors — PASSED ON FIRST READING

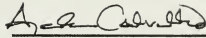
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

February 3, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081511

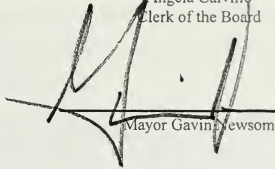
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on February 3, 2009
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

2/13/09

Date Approved



Mayor Gavin Newsom

[Accept and Expend FY 08 Homeland Security Grant Program Grant and Amend Annual Salary Ordinance, FY 2008-2009.]

Ordinance authorizing the Department of Emergency Management (DEM) to retroactively accept and expend a Homeland Security Grant Program grant in the amount of \$2,112,026 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security, for disaster planning, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of three grant-funded positions at the Controller's Office, Mayor's Office on Disability, and Animal Care and Control.

Note: Additions are single-underline italics Times New Roman;
Deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The City and County of San Francisco (City) has participated in federal and state homeland security grant programs since their inception, and deems participation in those programs to be vital to addressing the City's homeland security needs.

(b) The federal Homeland Security Grant Program (HSGP) is a primary funding mechanism for building and sustaining national preparedness capabilities, and funds items such as planning, organization, equipment purchase, training, exercises, and management and administration. The HSGP is composed of several parts, including: the State Homeland Security Grant Program (SHSGP) and the Metropolitan Medical Response System (MMRS).

(c) The United States Department of Homeland Security (DHS) has awarded the City \$2,112,026 in HSGP funds, including \$1,790,805.00 in SHSGP funds and \$ 321,221.00 in

1 MMRS funds. In California, HSGP funds pass through the Governor's Office of Homeland
2 Security (OHS).

3 (d) The City will use the SHSGP component of this grant to fund an Emergency
4 Management and Catastrophic Planning Project, and will use the MMRS component to fund
5 the Medical and Public Health Preparedness Project. The City will use a portion of the funds
6 to create new positions within the City, specifically a 1823 Senior Administrative Analyst in the
7 Controller's Office (.5 FTE), a 6333 Senior Building Inspector in the Mayor's Office on
8 Disability (.5 FTE), and a 2292 Shelter Veterinarian in the Animal Care and Control
9 Department (.5 FTE).

10 (e) The grant performance period is October 23, 2008 to May 31, 2011.

11 (f) The grant terms prohibit including indirect costs in the grant budget.

12
13
14 Section 2. Authorization to Accept and Expend Grant Funds. The Board of
15 Supervisors hereby authorizes the Department of Emergency Management (DEM) to
16 retroactively accept and expend \$2,112,026 in fiscal year 2008-2009 HSGP grant funds from
17 the DHS, through the OHS, for the period October 23, 2008 through May 31, 2011. The grant
18 does not include any provisions for indirect costs, and indirect costs are hereby waived.

19 The DEM Executive Director, or designee, is further authorized to furnish whatever
20 additional information or assurances the DHS or the OHS may request in connection with this
21 grant, to execute any and all agreements or other documents, and to take any other steps
22 necessary to accept, distribute and expend the grant funds.

Section 3. Grant Funded Positions; Amendment to FY 2008-2009 Annual Salary Ordinance. The hereinafter designated sections and items of Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) are hereby amended to add three positions as follows:

Department: CON Controller

Program: FEB

Subfund: 2S PPF HLS

Index Code: CONDISASTER

Amendment	# of Pos.	Class and Item No.	Compensation
<u>Add</u>	<u>0.50 FTE</u>	<u>1823 Sr. Admin. Analyst</u>	<u>\$2,926 B \$3,557</u>

Department: MOD Mayor's Office on Disability

Program: FAV

Subfund: 2S PPF HLS

Index Code: 700148

Amendment	# of Pos.	Class and Item No.	Compensation
<u>Add</u>	<u>0.50 FTE</u>	<u>6333 Sr. Bldg. Inspector</u>	<u>\$3,566 B \$4,334</u>

Department: ACC Animal Care and Control

Program: AUA

Subfund: 2S PPF HLS

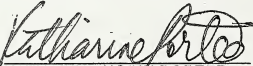
Index Code: 765007

Supervisor Alioto-Pier
BOARD OF SUPERVISORS

1
2 Amendment # of Pos. Class and Item No. Compensation
3 Add 0.50 FTE 2292 Shelter Veterinarian \$3,346 B \$4,372
4
5
6

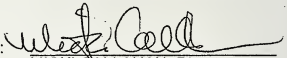
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By:

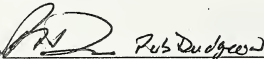
10 
11 KATHARINE HOBIN PORTER
12 Deputy City Attorney

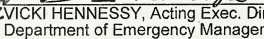
APPROVED AS TO CLASSIFICATION
DEPARTMENT OF HUMAN RESOURCES

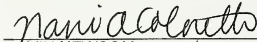
By:

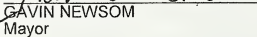
13 
14 MICKI CALLAHAN, Director
15 Department of Human Resources

16 RECOMMENDED:

17 

18 
19 ROB DODGSON, Acting Exec. Director
20 Department of Emergency Management

21 

22 
23 GAVIN NEWSOM
24 Mayor

25 


BEN ROSENFELD
Controller



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081596

Date Passed:

Ordinance authorizing the Department of Emergency Management (DEM) to retroactively accept and expend a Homeland Security Grant Program grant in the amount of \$2,112,026 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security, for disaster planning, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of three grant-funded positions at the Controller's Office, Mayor's Office on Disability, and Animal Care and Control.

February 3, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

February 10, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

File No. 081596

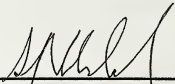
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on February 10,
2009 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board

2/20/09

Date Approved



Mayor Gavin Newsom

For

28-09

FILE NO. 080822

ORDINANCE NO.

[Residential Rent Ordinance: Tenant Rights for Victims of Domestic Violence or Sexual Assault or Stalking.]

Ordinance amending Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by making Findings and amending Sections 37.2 and 37.9 to provide protections for tenants who are victims of domestic violence or sexual assault or stalking, including protection from evictions based on the actions of abusers or stalkers, and confidentiality protections.

Note: Additions are single-underline italics Times New Roman font; deletions are ~~striketthrough italics Times New Roman font~~. Board amendment additions are double underlined Arial font. Board amendment deletions are ~~striketthrough Arial font~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby makes the following Findings:

WHEREAS, Domestic violence is a widespread problem impacting one in three households in the United States in all communities; and

WHEREAS, Domestic Violence, sexual assault and stalking are primary threats to the safety, health and welfare of women in San Francisco; and

WHEREAS, Domestic Violence is the leading cause of homicide for San Francisco women; and

WHEREAS, Safe housing for domestic violence victims is ~~a basic victim's rights issue~~ essential for safe recovery; and

WHEREAS, Countless studies demonstrate that stable, safe housing is a public safety issue, a critical element of ensuring the safety of domestic violence and stalking victims;

WHEREAS, Recent studies conclude that Domestic Violence is the second-leading cause of homelessness among San Francisco women; and

GOVERNMENT
DOCUMENTS DEPT

SUPERVISORS CHU, MIRKARIMI, DUFTY, MAXWELL, ALIOTO-PIER, CHIU, CAMPOS
BOARD OF SUPERVISORS

Page 1
02/03/09

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1 WHEREAS, Landlords sometimes evict domestic violence, sexual assault or stalking
2 victims based upon complaints of noise, fighting, or repeated visits from the police to a
3 victim's residence even though the visits are the result of crimes committed against the victim;
4 and

5 WHEREAS, Domestic Violence, sexual assault or stalking victims should not lose their
6 housing because they are being abused and should not be forced to leave their homes in
7 order to report abuse; and

8 WHEREAS, San Francisco's domestic violence victims deserve as a class to receive
9 protection under the laws of our City; and

10 WHEREAS, The United States federal government and many other states, cities and
11 counties already have enacted comprehensive tenants' rights protections for victims of
12 domestic violence, sexual assault and stalking;

13 THEREFORE, The City and County of San Francisco enacts the following Ordinance
14 provisions.

15
16 Section 2. San Francisco Administrative Code Section 37.2 is hereby amended by
17 adding Subsection (w), to read as follows:

18 **SEC. 37.2. DEFINITIONS.**

19 (a) Base Rent.

20 (1) That rent which is charged a tenant upon initial occupancy plus any rent increase
21 allowable and imposed under this Chapter; provided, however, that base rent shall not include
22 increases imposed pursuant to Section 37.7, and base rent shall not include utility
23 passthroughs or water revenue bond passthroughs or general obligation bond passthroughs
24 pursuant to Sections 37.2(q), 37.3(a)(5)(B), and 37.3(a)(6). Base rent for tenants of RAP
25 rental units in areas designated on or after July 1, 1977, shall be that rent which was

1 established pursuant to Section 32.73-1 of the San Francisco Administrative Code. Rent
2 increases attributable to the City Administrator's amortization of an RAP loan in an area
3 designated on or after July 1, 1977, shall not be included in the base rent.

4 (2) From and after the effective date of this ordinance, the base rent for tenants
5 occupying rental units which have received certain tenant-based or project-based rental
6 assistance shall be as follows:

7 (A) With respect to tenant-based rental assistance:

8 (i) For any tenant receiving tenant-based assistance as of the effective date of this
9 ordinance (except where the rent payable by the tenant is a fixed percentage of the tenant's
10 income, such as in the Section 8 certificate program and the rental subsidy program for the
11 HOPWA program), and continuing to receive tenant-based rental assistance following the
12 effective date of this ordinance, the base rent for each unit occupied by such tenant shall be
13 the rent payable for that unit under the Housing Assistance Payments contract, as amended,
14 between the San Francisco Housing Authority and the landlord (the "HAP contract") with
15 respect to that unit immediately prior to the effective date of this ordinance (the "HAP" contract
16 rent").

17 (ii) For any tenant receiving tenant-based rental assistance (except where the rent
18 payable by the tenant is a fixed percentage of the tenant's income, such as in the Section 8
19 certificate program and the rental subsidy program for the HOPWA program), and
20 commencing occupancy of a rental unit following the effective date of this ordinance, the base
21 rent for each unit occupied by such a tenant shall be the HAP contract rent in effect as of the
22 date the tenant commences occupancy of such unit.

23 (iii) For any tenant whose tenant-based rental assistance terminates or expires, for
24 whatever reason, following the effective date of this ordinance, the base rent for each such
25 unit following expiration or termination shall be the HAP contract rent in effect for that unit

1 immediately prior to the expiration or termination of the tenant-based rental assistance.

2 (B) For any tenant occupying a unit upon the expiration or termination, for whatever
3 reason, of a project-based HAP contract under Section 8 of the United States Housing Act of
4 1937 (42 USC Section 1437f, as amended), the base rent for each such unit following
5 expiration or termination shall be the "contract rent" in effect for that unit immediately prior to
6 the expiration or termination of the project-based HAP contract.

7 (C) For any tenant occupying a unit upon the prepayment or expiration of any
8 mortgage insured by the United States Department of Housing and Urban Development
9 ("HUD"), including but not limited to mortgages provided under Sections 221(d)(3), 221(d)(4)
10 and 236 of the National Housing Act (12 USC Section 1715z-1), the base rent for each such
11 unit shall be the "basic rental charge" (described in 12 USC 1715z-1(f), or successor
12 legislation) in effect for that unit immediately prior to the prepayment of the mortgage, which
13 charge excludes the "interest reduction payment" attributable to that unit prior to the mortgage
14 prepayment or expiration.

15 (b) Board. The Residential Rent Stabilization and Arbitration Board.

16 (c) Capital Improvements. Those improvements which materially add to the value of
17 the property, appreciably prolong its useful life, or adapt it to new uses, and which may be
18 amortized over the useful life of the improvement of the building.

19 (d) CPI. Consumer Price Index for all Urban Consumers for the San Francisco-
20 Oakland Metropolitan Area, U.S. Department of Labor.

21 (e) Energy Conservation Improvements. Work performed pursuant to the
22 requirements of Chapter 12 of the San Francisco Housing Code.

23 (f) Administrative Law Judge. A person, designated by the Board, who arbitrates and
24 mediates rental increase disputes, and performs other duties as required pursuant to this
25 Chapter 37.

1 (g) Housing Services. Services provided by the landlord connected with the use or
2 occupancy of a rental unit including, but not limited to: repairs; replacement; maintenance;
3 painting; light; heat; water; elevator service; laundry facilities and privileges; janitor service;
4 refuse removal; furnishings; telephone; parking; rights permitted the tenant by agreement,
5 including the right to have a specific number of occupants, whether express or implied, and
6 whether or not the agreement prohibits subletting and/or assignment; and any other benefits,
7 privileges or facilities.

8 (h) Landlord. An owner, lessor, sublessor, who receives or is entitled to receive rent
9 for the use and occupancy of any residential rental unit or portion thereof in the City and
10 County of San Francisco, and the agent, representative or successor of any of the foregoing.

11 (i) Member. A member of the Residential Rent Stabilization and Arbitration Board.

12 (j) Over FMR Tenancy Program. A regular certificate tenancy program whereby the
13 base rent, together with a utility allowance in an amount determined by HUD, exceeds the fair
14 market rent limitation for a particular unit size as determined by HUD.

15 (k) Payment Standard. An amount determined by the San Francisco Housing
16 Authority that is used to determine the amount of assistance paid by the San Francisco
17 Housing Authority on behalf of a tenant under the Section 8 Voucher Program (24 CFR Part
18 887).

19 (l) RAP. Residential Rehabilitation Loan Program (Chapter 32, San Francisco
20 Administrative Code).

21 (m) RAP Rental Units. Residential dwelling units subject to RAP loans pursuant to
22 Chapter 32, San Francisco Administrative Code.

23 (n) Real Estate Department. A city department in the City and County of San
24 Francisco.

25 (o) Rehabilitation Work. Any rehabilitation or repair work done by the landlord with

1 regard to a rental unit, or to the common areas of the structure containing the rental unit,
2 which work was done in order to be in compliance with State or local law, or was done to
3 repair damage resulting from fire, earthquake or other casualty or natural disaster.

4 (p) Rent. The consideration, including any bonus, benefits or gratuity, demanded or
5 received by a landlord for or in connection with the use or occupancy of a rental unit, or the
6 assignment of a lease for such a unit, including but not limited to monies demanded or paid
7 for parking, furnishing, food service, housing services of any kind, or subletting.

8 (q) Rent Increases. Any additional monies demanded or paid for rent as defined in
9 item (p) above, or any reduction in housing services without a corresponding reduction in the
10 monies demanded or paid for rent; provided, however, that: (1) where the landlord has been
11 paying the tenant's utilities and the cost of those utilities increases, the landlord's passing
12 through to the tenant of such increased costs pursuant to this Chapter does not constitute a
13 rent increase; (2) where there has been a change in the landlord's property tax attributable to
14 a general obligation bond approved by the voters between November 1, 1996 and November
15 30, 1998, or after November 14, 2002, the landlord's passing through to the tenant of such
16 increased costs in accordance with this Chapter (see Section 37.3(a)(6)) does not constitute a
17 rent increase; (3) where there has been a change in the landlord's property tax attributable to
18 a San Francisco Unified School District or San Francisco Community College District general
19 obligation bond approved by the voters after November 1, 2006, the landlord's passing
20 through to the tenant of such increased costs in accordance with this Chapter (see Section
21 37.3(a)(6)) does not constitute a rent increase; and, (4) where water bill charges are
22 attributable to water rate increases resulting from issuance of water revenue bonds authorized
23 at the November 5, 2002 election, the landlord's passing through to the tenant of such
24 increased costs in accordance with this Chapter (see Section 37.3(a)(5)(B)) does not
25 constitute a rent increase.

1 (r) Rental Units. All residential dwelling units in the City and County of San Francisco
2 together with the land and appurtenant buildings thereto, and all housing services, privileges,
3 furnishings and facilities supplied in connection with the use or occupancy thereof, including
4 garage and parking facilities.

5 Garage facilities, parking facilities, driveways, storage spaces, laundry rooms, decks,
6 patios, or gardens on the same lot, or kitchen facilities or lobbies in single room occupancy
7 (SRO) hotels, supplied in connection with the use or occupancy of a unit, may not be severed
8 from the tenancy by the landlord without just cause as required by Section 37.9(a). Any
9 severance, reduction or removal permitted under this Section 37.2(r) shall be offset by a
10 corresponding reduction in rent. Either a landlord or a tenant may file a petition with the Rent
11 Board to determine the amount of the rent reduction.

12 The term "rental units" shall not include:

13 (1) Housing accommodations in hotels, motels, inns, tourist houses, rooming and
14 boarding houses, provided that at such time as an accommodation has been occupied by a
15 tenant for 32 continuous days or more, such accommodation shall become a rental unit
16 subject to the provisions of this Chapter; provided further, no landlord shall bring an action to
17 recover possession of such unit in order to avoid having the unit come within the provisions of
18 this Chapter. An eviction for a purpose not permitted under Section 37.9(a) shall be deemed
19 to be an action to recover possession in order to avoid having a unit come within the
20 provisions of this Chapter;

21 (2) Dwelling units in nonprofit cooperatives owned, occupied and controlled by a
22 majority of the residents or dwelling units solely owned by a nonprofit public benefit
23 corporation governed by a board of directors the majority of which are residents of the
24 dwelling units and where it is required in the corporate by-laws that rent increases be
25 approved by a majority of the residents;

1 (3) Housing accommodation in any hospital, convent, monastery, extended care
2 facility, asylum, residential care or adult day health care facility for the elderly which must be
3 operated pursuant to a license issued by the California Department of Social Services, as
4 required by California Health and Safety Chapters 3.2 and 3.3; or in dormitories owned and
5 operated by an institution of higher education, a high school, or an elementary school;

6 (4) Except as provided in Subsections (A), (B) and (C), dwelling units whose rents are
7 controlled or regulated by any government unit, agency or authority, excepting those
8 unsubsidized and/or unassisted units which are insured by the United States Department of
9 Housing and Urban Development; provided, however, that units in unreinforced masonry
10 buildings which have undergone seismic strengthening in accordance with Building Code
11 Chapters 16B and 16C shall remain subject to the Rent Ordinances to the extent that the
12 ordinance is not in conflict with the seismic strengthening bond program or with the program's
13 loan agreements or with any regulations promulgated thereunder;

14 (A) For purposes of Sections 37.2, 37.3(a)(10)(A), 37.4, 37.5, 37.6, 37.9, 37.9A,
15 37.10A, 37.11A and 37.13, and the arbitration provisions of Sections 37.8 and 37.8A
16 applicable only to the provisions of Sections 37.3(a)(10)(A), the term "rental units" shall
17 include units occupied by recipients of tenant-based rental assistance where the tenant-based
18 rental assistance program does not establish the tenant's share of base rent as a fixed
19 percentage of a tenant's income, such as in the Section 8 voucher program and the "Over-
20 FMR Tenancy" program defined in 24 CFR Section 982.4;

21 (B) For purposes of Sections 37.2, 37.3(a)(10)(B), 37.4, 37.5, 37.6, 37.9, 37.9A,
22 37.10A, 37.11A and 37.13, the term "rental units" shall include units occupied by recipients of
23 tenant-based rental assistance where the rent payable by the tenant under the tenant-based
24 rental assistance program is a fixed percentage of the tenant's income; such as in the Section
25 8 certificate program and the rental subsidy program for the Housing Opportunities for

1 Persons with Aids ("HOPWA") program (42 U.S.C. Section 12901 et seq., as amended);

2 (C) The term "rental units" shall include units in a building for which tax credits are
3 reserved or obtained pursuant to the federal low income housing tax credit program (LIHTC,
4 Section 42 of the Internal Revenue Code, 26 U.S.C. Section 42), that satisfy the following
5 criteria:

6 (i) Where a tenant's occupancy of the unit began before the applicable LIHTC
7 regulatory agreement was recorded; and,

8 (ii) Where the rent is not controlled or regulated by any use restrictions imposed by
9 the City and County of San Francisco, the San Francisco Redevelopment Agency, the State
10 of California Office of Housing and Community Development, or the United States Department
11 of Housing and Urban Development.

12 Nothing in this Section 37.2(r)(4)(C) precludes a landlord from seeking an exemption
13 on the basis of substantial rehabilitation under Section 37.2(r)(6).

14 This Section 37.2(r)(4)(C) definition of "rental unit" shall apply to any unit where the
15 qualifying tenant (see Section 37.2(r)(4)(C)(i)) is in possession of the unit on or after the
16 effective date of this ordinance (Ord. No. 281-06), including but not limited to any unit where
17 the tenant has been served with a notice to quit but has not vacated the unit and there is no
18 final judgment against the tenant for possession of the unit as of the effective date of this
19 ordinance (Ord. No. 281-06).

20 (5) Rental units located in a structure for which a certificate of occupancy was first
21 issued after the effective date of this ordinance; (A) except as provided for certain categories
22 of units and dwellings by Section 37.3(d) and Section 37.9A(b) of this Chapter, and (B) except
23 as provided in a development agreement entered into by the City under San Francisco
24 Administrative Code Chapter 56.

25 (6) Dwelling units in a building which has undergone substantial rehabilitation after the

1 effective date of this ordinance; provided, however, that RAP rental units are not subject to
2 this exemption.

3 (7) Dwellings or units otherwise subject to this Chapter 37, to the extent such
4 dwellings or units are partially or wholly exempted from rent increase limitations by the Costa-
5 Hawkins Rental Housing Act (California Civil Code Sections 1954.50, et seq.) and/or San
6 Francisco Administrative Code Section 37.3(d).

7 (s) Substantial Rehabilitation. The renovation, alteration or remodeling of residential
8 units of 50 or more years of age which have been condemned or which do not qualify for
9 certificates of occupancy or which require substantial renovation in order to conform the
10 building to contemporary standards for decent, safe and sanitary housing. Substantial
11 rehabilitation may vary in degree from gutting and extensive reconstruction to extensive
12 improvements that cure substantial deferred maintenance. Cosmetic improvements alone
13 such as painting, decorating and minor repairs, or other work which can be performed safely
14 without having the unit vacated do not qualify as substantial rehabilitation.

15 (t) Tenant. A person entitled by written or oral agreement, sub-tenancy approved by
16 the landlord, or by sufferance, to occupy a residential dwelling unit to the exclusion of others.

17 (u) Tenant-Based Rental Assistance. Rental assistance provided directly to a tenant
18 or directly to a landlord on behalf of a particular tenant, which includes but shall not be limited
19 to certificates and vouchers issued pursuant to Section 8 of the United States Housing Act of
20 1937, as amended (42 U.S.C. Section 1437f) and the HOPWA program.

21 (v) Utilities. The term "utilities" shall refer to gas and electricity exclusively.

22 (w) Victims of Domestic Violence, Sexual Assault, or Stalking.

23 (1) "Victim of domestic violence or sexual assault or stalking" means any person who has
24 been, or is currently being, subjected to one or more of the following:

25 (A) "Domestic violence," as defined in Section 13700 of the Penal Code or Section 6211 of

1 the Family Code:

2 (B) "Sexual assault" as defined in Sections 261, 261.5, 262, 286, 288a, or 289 of the Penal

3 Code; or

4 (C) "Stalking," as defined in Section 646.9 of the Penal Code or Section 1708.7 of the Civil

5 Code.

6 (2) "Protective order" means a temporary restraining order or emergency protective order
7 issued pursuant to Part 3 (commencing with Section 6240) or Part 4 (commencing with Section 6300)
8 or Part 5 (commencing with Section 6400) of the Family Code, Section 136.2 of the Penal Code,
9 Section 527.6 of the Code of Civil Procedure, or Section 213.5 of the Welfare and Institutions Code,
10 that protects the tenant or household member from further domestic violence, sexual assault, or
11 stalking.

12 (3) "Qualified third party" means a peace officer or victim advocate employed by a state or
13 local law enforcement agency, or Licensed Clinical Social Worker (LCSW) or Marriage and
14 Family Therapist (MFT), acting in his or her official capacity;

15 (4) "Written documentation from a qualified third party" means a document signed and
16 dated within the preceding 60 days by a qualified third party stating all of the following:

17 (A) That the tenant notified the qualified third party that he or she was a victim of domestic
18 violence or sexual assault or stalking;

19 (B) The time, date, and location of the act or acts that constitute the domestic violence or
20 sexual assault or stalking; and

21 (C) That the tenant informed the qualified third party of the name of the alleged perpetrator
22 of the act or acts of domestic violence or sexual assault or stalking, if known to the victim.

23
24 Section 3. San Francisco Administrative Code Section 37.9 is hereby amended by
25 adding Subsections 37.9(a)(3.1) and (3.2), to read as follows:

1 **SEC. 37.9. EVICTIONS.**

2 Notwithstanding Section 37.3, this Section shall apply as of August 24, 1980, to all
3 landlords and tenants of rental units as defined in Section 37.2(r).

4 (a) A landlord shall not endeavor to recover possession of a rental unit unless:

5 (1) The tenant:

6 (A) Has failed to pay the rent to which the landlord is lawfully entitled under the oral or
7 written agreement between the tenant and landlord:

8 (i) Except that a tenant's nonpayment of a charge prohibited by Section 919.1 of the
9 Police Code shall not constitute a failure to pay rent; and

10 (ii) Except that, commencing August 10, 2001, to and including February 10, 2003, a
11 landlord shall not endeavor to recover or recover possession of a rental unit for failure of a
12 tenant to pay that portion of rent attributable to a capital improvement passthrough certified
13 pursuant to a decision issued after April 10, 2000, where the capital improvement passthrough
14 petition was filed prior to August 10, 2001, and a landlord shall not impose any late fee(s)
15 upon the tenant for such non-payment of capital improvements costs; or

16 (B) Habitually pays the rent late; or

17 (C) Gives checks which are frequently returned because there are insufficient funds in
18 the checking account; or

19 (2) The tenant has violated a lawful obligation or covenant of tenancy other than the
20 obligation to surrender possession upon proper notice or other than an obligation to pay a
21 charge prohibited by Police Code Section 919.1, and failure to cure such violation after having
22 received written notice thereof from the landlord.

23 (A) Provided that notwithstanding any lease provision to the contrary, a landlord shall
24 not endeavor to recover possession of a rental unit as a result of subletting of the rental unit
25 by the tenant if the landlord has unreasonably withheld the right to sublet following a written

1 request by the tenant, so long as the tenant continues to reside in the rental unit and the
2 sublet constitutes a one-for-one replacement of the departing tenant(s). If the landlord fails to
3 respond to the tenant in writing within fourteen (14) days of receipt of the tenant's written
4 request, the tenant's request shall be deemed approved by the landlord.

5 (B) Provided further that where a rental agreement or lease provision limits the number
6 of occupants or limits or prohibits subletting or assignment, a landlord shall not endeavor to
7 recover possession of a rental unit as a result of the addition to the unit of a tenant's child,
8 parent, grandchild, grandparent, brother or sister, or the spouse or domestic partner (as
9 defined in Administrative Code Sections 62.1 through 62.8) of such relatives, or as a result of
10 the addition of the spouse or domestic partner of a tenant, so long as the maximum number of
11 occupants stated in Section 37.9(a)(2)(B)(i) and (ii) is not exceeded, if the landlord has
12 unreasonably refused a written request by the tenant to add such occupant(s) to the unit. If
13 the landlord fails to respond to the tenant in writing within fourteen (14) days of receipt of the
14 tenant's written request, the tenant's request shall be deemed approved by the landlord. A
15 landlord's reasonable refusal of the tenant's written request may not be based on the
16 proposed additional occupant's lack of creditworthiness, if that person will not be legally
17 obligated to pay some or all of the rent to the landlord. A landlord's reasonable refusal of the
18 tenant's written request may be based on, but is not limited to, the ground that the total
19 number of occupants in a unit exceeds (or with the proposed additional occupant(s) would
20 exceed) the lesser of (i) or (ii):

21 (i) Two persons in a studio unit, three persons in a one-bedroom unit, four persons in a
22 two-bedroom unit, six persons in a three-bedroom unit, or eight persons in a four-bedroom
23 unit; or

24 (ii) The maximum number permitted in the unit under state law and/or other local codes
25 such as the Building, Fire, Housing and Planning Codes; or

1 (3) The tenant is committing or permitting to exist a nuisance in, or is causing
2 substantial damage to, the rental unit, or is creating a substantial interference with the
3 comfort, safety or enjoyment of the landlord or tenants in the building, and the nature of such
4 nuisance, damage or interference is specifically stated by the landlord in writing as required
5 by Section 37.9(c); ~~or~~.

6 (3.1) Eviction Protection for Victims of Domestic Violence or Sexual Assault or Stalking:

7 (A) It shall be a defense to an action for possession of a unit under Subsection 37.9(a)(3) if
8 the court determines that:

9 (i) The tenant or the tenant's household member is a victim of an act or acts that constitute
10 domestic violence or sexual assault or stalking; and

11 (ii) The notice to vacate is substantially based upon the act or acts constituting domestic
12 violence or sexual assault or stalking against the tenant or a tenant's household member, including but
13 not limited to an action for possession based on complaints of noise, disturbances, or repeated
14 presence of police.

15 (B) Evidence Required. In making the determination under Section 37.9(a)(3.1)(A) the
16 court shall consider evidence, which may include but is not limited to:

17 (i) A copy of a temporary restraining order or emergency protective order issued pursuant to
18 Part 3 (commencing with Section 6240) or Part 4 (commencing with Section 6300) or Part 5
19 (commencing with Section 6400) of the Family Code, Section 136.2 of the Penal Code, Section 527.6 of
20 the Code of Civil Procedure, or Section 213.5 of the Welfare and Institutions Code, that protects the
21 tenant or tenant's household member from further domestic violence, sexual assault, or stalking.
22 And/or,

23 (ii) A copy of a written report by a peace officer employed by a state or local law enforcement
24 agency acting in his or her official capacity, stating that the tenant or tenant's household member has
25 filed a report alleging that he or she is a victim of domestic violence, sexual assault, or stalking.

1 And/or.

2 (iii) Other written documentation from a qualified third party of the acts constituting
3 domestic violence or sexual assault or stalking.

4 (C) Mutual Allegations of Abuse Between Parties. If two or more co-tenants are parties
5 seeking relief under Subsection 37.9(a)(3.1)(A), and each alleges that he or she was a victim of
6 domestic violence or sexual assault or stalking perpetrated by another co-tenant who is also a party,
7 the court may determine whether a tenant acted as the dominant aggressor in the acts constituting a
8 domestic violence or sexual assault or stalking offense. In making the determination, the court shall
9 consider the factors listed in Section 13701(b)(1) of the Penal Code. A tenant who the court determines
10 was the dominant aggressor in the acts constituting a domestic violence or sexual assault or stalking
11 offense is not entitled to relief under Subsection 37.9(a)(3.1)(A).

12 (D) Limitations on Relief. Unless the tenant or the tenant's household member has obtained
13 a protective order against the alleged abuser to vacate or stay from the unit as a result of acts
14 constituting domestic violence or sexual assault or stalking against the tenant or tenant's household
15 member, the tenant may not obtain relief under Subsection 37.9(a)(3.1) if:

16 (i) The tenant was granted relief under Subsection 37.9(a)(3.1) in an action for possession of
17 the unit within the previous five years; and

18 (ii) A subsequent action for possession of the unit has now been filed; and

19 (iii) The notice to vacate in this subsequent action for possession is substantially based upon
20 new continuing acts constituting domestic violence or sexual assault or stalking by the same person
21 alleged to be the abuser in the previous action for possession.

22 (E) Nothing in this Subsection 37.9(a)(3.1) shall be construed to affect the tenant's liability
23 for delinquent rent or other sums owed to the landlord, or the landlord's remedies in recovering
24 against the tenant for such sums.

25 (F) The provisions of Subsection 37.9(a)(3.1) are intended for use consistent with Civil

1 Code Section 1946.7.

2 (3.2) Confidentiality of Information Received from Victims of Domestic Violence or Sexual
3 Assault or Stalking. A landlord shall retain in strictest confidence all information that is received in
4 confidence from a tenant or a tenant's household member who is a victim of domestic violence or
5 sexual assault or stalking, regarding that domestic violence or sexual assault or stalking, except to the
6 extent that such disclosure (A) is necessary to provide for a reasonable accommodation for the victim,
7 or (B) is otherwise required pursuant to applicable federal, state or local law. The victim may
8 authorize limited or general release of any information otherwise deemed confidential under this
9 Subsection 37.9(a)(3.2).

10 Or,

11 (4) The tenant is using or permitting a rental unit to be used for any illegal purpose; or

12 (5) The tenant, who had an oral or written agreement with the landlord which has
13 terminated, has refused after written request or demand by the landlord to execute a written
14 extension or renewal thereof for a further term of like duration and under such terms which are
15 materially the same as in the previous agreement; provided, that such terms do not conflict
16 with any of the provisions of this Chapter; or

17 (6) The tenant has, after written notice to cease, refused the landlord access to the
18 rental unit as required by State or local law; or

19 (7) The tenant holding at the end of the term of the oral or written agreement is a
20 subtenant not approved by the landlord; or

21 (8) The landlord seeks to recover possession in good faith, without ulterior reasons and
22 with honest intent:

23 (i) For the landlord's use or occupancy as his or her principal residence for a period of
24 at least 36 continuous months;

25 (ii) For the use or occupancy of the landlord's grandparents, grandchildren, parents,

1 children, brother or sister, or the landlord's spouse, or the spouses of such relations, as their
2 principal place of residency for a period of at least 36 months, in the same building in which
3 the landlord resides as his or her principal place of residency, or in a building in which the
4 landlord is simultaneously seeking possession of a rental unit under Section 37.9(a)(8)(i). For
5 purposes of this Section 37.9(a)(8)(ii), the term spouse shall include domestic partners as
6 defined in San Francisco Administrative Code Sections 62.1 through 62.8.

7 (iii) For purposes of this Section 37.9(a)(8) only, as to landlords who become owners of
8 record of the rental unit on or before February 21, 1991, the term "landlord" shall be defined
9 as an owner of record of at least 10 percent interest in the property or, for Section 37.9(a)(8)(i)
10 only, two individuals registered as domestic partners as defined in San Francisco
11 Administrative Code Sections 62.1 through 62.8 whose combined ownership of record is at
12 least 10 percent. For purposes of this Section 37.9(a)(8) only, as to landlords who become
13 owners of record of the rental unit after February 21, 1991, the term "landlord" shall be
14 defined as an owner of record of at least 25 percent interest in the property or, for Section
15 37.9(a)(8)(i) only, two individuals registered as domestic partners as defined in San Francisco
16 Administrative Code Sections 62.1 through 62.8 whose combined ownership of record is at
17 least 25 percent.

18 (iv) A landlord may not recover possession under this Section 37.9(a)(8) if a
19 comparable unit owned by the landlord is already vacant and is available, or if such a unit
20 becomes vacant and available before the recovery of possession of the unit. If a comparable
21 unit does become vacant and available before the recovery of possession, the landlord shall
22 rescind the notice to vacate and dismiss any action filed to recover possession of the
23 premises. Provided further, if a noncomparable unit becomes available before the recovery of
24 possession, the landlord shall offer that unit to the tenant at a rent based on the rent that the
25 tenant is paying, with upward or downward adjustments allowed based upon the condition,

1 size, and other amenities of the replacement unit. Disputes concerning the initial rent for the
2 replacement unit shall be determined by the Rent Board. It shall be evidence of a lack of good
3 faith if a landlord times the service of the notice, or the filing of an action to recover
4 possession, so as to avoid moving into a comparable unit, or to avoid offering a tenant a
5 replacement unit.

6 (v) It shall be rebuttably presumed that the landlord has not acted in good faith if the
7 landlord or relative for whom the tenant was evicted does not move into the rental unit within
8 three months and occupy said unit as that person's principal residence for a minimum of 36
9 continuous months.

10 (vi) Once a landlord has successfully recovered possession of a rental unit pursuant to
11 Section 37.9(a)(8)(i), then no other current or future landlords may recover possession of any
12 other rental unit in the building under Section 37.9(a)(8)(i). It is the intention of this Section
13 that only one specific unit per building may be used for such occupancy under Section
14 37.9(a)(8)(i) and that once a unit is used for such occupancy, all future occupancies under
15 Section 37.9(a)(8)(i) must be of that same unit, provided that a landlord may file a petition with
16 the Rent Board, or at the landlord's option, commence eviction proceedings, claiming that
17 disability or other similar hardship prevents him or her from occupying a unit which was
18 previously occupied by the landlord.

19 (vii) If any provision or clause of this amendment to Section 37.9(a)(8) or the
20 application thereof to any person or circumstance is held to be unconstitutional or to be
21 otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other
22 chapter provisions, and clauses of this Chapter are held to be severable; or

23 (9) The landlord seeks to recover possession in good faith in order to sell the unit in
24 accordance with a condominium conversion approved under the San Francisco subdivision
25 ordinance and does so without ulterior reasons and with honest intent; or

1 (10) The landlord seeks to recover possession in good faith in order to demolish or to
2 otherwise permanently remove the rental unit from housing use and has obtained all the
3 necessary permits on or before the date upon which notice to vacate is given, and does so
4 without ulterior reasons and with honest intent; provided that a landlord who seeks to recover
5 possession under this Section 37.9(a)(10) shall pay relocation expenses as provided in
6 Section 37.9C except that a landlord who seeks to demolish an unreinforced masonry building
7 pursuant to Building Code Chapters 16B and 16C must provide the tenant with the relocation
8 assistance specified in Section 37.9A(f) below prior to the tenant's vacating the premises; or

9 (11) The landlord seeks in good faith to remove temporarily the unit from housing use
10 in order to be able to carry out capital improvements or rehabilitation work and has obtained
11 all the necessary permits on or before the date upon which notice to vacate is given, and does
12 so without ulterior reasons and with honest intent. Any tenant who vacates the unit under such
13 circumstances shall have the right to reoccupy the unit at the prior rent adjusted in
14 accordance with the provisions of this Chapter. The tenant will vacate the unit only for the
15 minimum time required to do the work. On or before the date upon which notice to vacate is
16 given, the landlord shall advise the tenant in writing that the rehabilitation or capital
17 improvement plans are on file with the Central Permit Bureau of the Department of Building
18 Inspection and that arrangements for reviewing such plans can be made with the Central
19 Permit Bureau. In addition to the above, no landlord shall endeavor to recover possession of
20 any unit subject to a RAP loan as set forth in Section 37.2(m) of this Chapter except as
21 provided in Section 32.69 of the San Francisco Administrative Code. The tenant shall not be
22 required to vacate pursuant to this Section 37.9(a)(11), for a period in excess of three months;
23 provided, however, that such time period may be extended by the Board or its Administrative
24 Law Judges upon application by the landlord. The Board shall adopt rules and regulations to
25 implement the application procedure. Any landlord who seeks to recover possession under

1 this Section 37.9(a)(11) shall pay relocation expenses as provided in Section 37.9C or

2 (12) The landlord seeks to recover possession in good faith in order to carry out
3 substantial rehabilitation, as defined in Section 37.2(s), and has obtained all the necessary
4 permits on or before the date upon which notice to vacate is given, and does so without
5 ulterior reasons and with honest intent. Notwithstanding the above, no landlord shall endeavor
6 to recover possession of any unit subject to a RAP loan as set forth in Section 37.2(m) of this
7 Chapter except as provided in Section 32.69 of the San Francisco Administrative Code; Any
8 landlord who seeks to recover possession under this Section 37.9(a)(12) shall pay relocation
9 expenses as provided in Section 37.9C; or

10 (13) The landlord wishes to withdraw from rent or lease all rental units within any
11 detached physical structure and, in addition, in the case of any detached physical structure
12 containing three or fewer rental units, any other rental units on the same lot, and complies in
13 full with Section 37.9A with respect to each such unit; provided, however, that guestrooms or
14 efficiency units within a residential hotel, as defined in Section 50519 of the Health and Safety
15 Code, may not be withdrawn from rent or lease if the residential hotel has a permit of
16 occupancy issued prior to January 1, 1990, and if the residential hotel did not send a notice of
17 intent to withdraw the units from rent or lease (Administrative Code Section 37.9A(f),
18 Government Code Section 7060.4(a)) that was delivered to the Rent Board prior to January 1,
19 2004; or

20 (14) The landlord seeks in good faith to temporarily recover possession of the unit
21 solely for the purpose of effecting lead remediation or abatement work, as required by San
22 Francisco Health Code Articles 11 or 26. The tenant will vacate the unit only for the minimum
23 time required to do the work. The relocation rights and remedies, established by San
24 Francisco Administrative Code Chapter 72, including but not limited to, the payment of
25 financial relocation assistance, shall apply to evictions under this Section 37.9(a)(14).

1 (15) The landlord seeks to recover possession in good faith in order to demolish or to
2 otherwise permanently remove the rental unit from housing use in accordance with the terms
3 of a development agreement entered into by the City under Chapter 56 of the San Francisco
4 Administrative Code.

5 (b) A landlord who resides in the same rental unit with his or her tenant may evict said
6 tenant without just cause as required under Section 37.9(a) above.

7 (c) A landlord shall not endeavor to recover possession of a rental unit unless at least
8 one of the grounds enumerated in Section 37.9(a) or (b) above is the landlord's dominant
9 motive for recovering possession and unless the landlord informs the tenant in writing on or
10 before the date upon which notice to vacate is given of the grounds under which possession is
11 sought and that advice regarding the notice to vacate is available from the Residential Rent
12 Stabilization and Arbitration Board, before endeavoring to recover possession. A copy of all
13 notices to vacate except three-day notices to vacate or pay rent and a copy of any additional
14 written documents informing the tenant of the grounds under which possession is sought shall
15 be filed with the Board within 10 days following service of the notice to vacate. The District
16 Attorney shall determine whether the units set forth on the list compiled in accordance with
17 Section 37.6(k) are still being occupied by the tenant who succeeded the tenant upon whom
18 the notice was served. In cases where the District Attorney determines that Section 37.9(a)(8)
19 has been violated, the District Attorney shall take whatever action he deems appropriate
20 under this Chapter or under State law.

21 (d) No landlord may cause a tenant to quit involuntarily or threaten to bring any action
22 to recover possession, or decrease any services, or increase the rent, or take any other action
23 where the landlord's dominant motive is retaliation for the tenant's exercise of any rights under
24 the law. Such retaliation shall be a defense to any action to recover possession. In an action
25 to recover possession of a rental unit, proof of the exercise by the tenant of rights under the

1 law within six months prior to the alleged act of retaliation shall create a rebuttable
2 presumption that the landlord's act was retaliatory.

3 (e) It shall be unlawful for a landlord or any other person who willfully assists the
4 landlord to endeavor to recover possession or to evict a tenant except as provided in Section
5 37.9(a) and (b). Any person endeavoring to recover possession of a rental unit from a tenant
6 or evicting a tenant in a manner not provided for in Section 37.9(a) or (b) without having a
7 substantial basis in fact for the eviction as provided for in Section 37.9(a) shall be guilty of a
8 misdemeanor and shall be subject, upon conviction, to the fines and penalties set forth in
9 Section 37.10A. Any waiver by a tenant of rights under this Chapter except as provided in
10 Section 37.10A(g), shall be void as contrary to public policy.

11 (f) Whenever a landlord wrongfully endeavors to recover possession or recovers
12 possession of a rental unit in violation of Sections 37.9 and/or 37.10 as enacted herein, the
13 tenant or Board may institute a civil proceeding for injunctive relief, money damages of not
14 less than three times actual damages, (including damages for mental or emotional distress),
15 and whatever other relief the court deems appropriate. In the case of an award of damages
16 for mental or emotional distress, said award shall only be trebled if the trier of fact finds that
17 the landlord acted in knowing violation of or in reckless disregard of Section 37.9 or 37.10A
18 herein. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant
19 to order of the court. The remedy available under this Section 37.9(f) shall be in addition to
20 any other existing remedies which may be available to the tenant or the Board.

21 (g) The provisions of this Section 37.9 shall apply to any rental unit as defined in
22 Sections 37.2(r)(4)(A) and 37.2(r)(4)(B), including where a notice to vacate/quit any such
23 rental unit has been served as of the effective date of this Ordinance No. 250-98 but where
24 any such rental unit has not yet been vacated or an unlawful detainer judgment has not been
25 issued as of the effective date of this Ordinance No. 250-98.

(h) With respect to rental units occupied by recipients of tenant-based rental assistance, the notice requirements of this Section 37.9 shall be required in addition to any notice required as part of the tenant-based rental assistance program, including but not limited to the notice required under 24 CFR Section 982.310(e)(2)(ii).

(i) The following additional provisions shall apply to a landlord who seeks to recover a rental unit by utilizing the grounds enumerated in Section 37.9(a)(8):

(1) A landlord may not recover possession of a unit from a tenant under Section 37.9(a)(8) if the landlord has or receives notice, any time before recovery of possession, that any tenant in the rental unit:

(A) Is 60 years of age or older and has been residing in the unit for 10 years or more; or

(B) Is disabled within the meaning of Section 37.9(i)(1)(B)(i) and has been residing in the unit for 10 years or more, or is catastrophically ill within the meaning of Section 37.9(i)(1)(B)(ii) and has been residing in the unit for five years or more:

(i) A "disabled" tenant is defined for purposes of this Section 37.9(i)(1)(B) as a person who is disabled or blind within the meaning of the federal Supplemental Security Income/California State Supplemental Program (SSI/SSP), and who is determined by SSI/SSP to qualify for that program or who satisfies such requirements through any other method of determination as approved by the Rent Board;

(ii) A "catastrophically ill" tenant is defined for purposes of this Section 37.9(i)(1)(B) as a person who is disabled as defined by Section 37.9(i)(1)(B)(i), and who is suffering from a life threatening illness as certified by his or her primary care physician.

(2) The foregoing provisions of Sections 37.9(i)(1)(A) and (B) shall not apply where there is only one rental unit owned by the landlord in the building, or where each of the rental units owned by the landlord in the same building where the landlord resides (except the unit

1 actually occupied by the landlord) is occupied by a tenant otherwise protected from eviction by
2 Sections 37.9(i)(1)(A) or (B) and where the landlord's qualified relative who will move into the
3 unit pursuant to Section 37.9(a)(8) is 60 years of age or older.

4 (3) The provisions established by this Section 37.9(i) include, but are not limited to, any
5 rental unit where a notice to vacate/quit has been served as of the date this amendment takes
6 effect but where the rental unit has not yet been vacated or an unlawful detainer judgment has
7 not been issued.

8 (4) Within 30 days of personal service by the landlord of a written request, or, at the
9 landlord's option, a notice of termination of tenancy under Section 37.9(a)(8), the tenant must
10 submit a statement, with supporting evidence, to the landlord if the tenant claims to be a
11 member of one of the classes protected by Section 37.9(i). The written request or notice shall
12 contain a warning that a tenant's failure to submit a statement within the 30 day period shall
13 be deemed an admission that the tenant is not protected by Section 37.9(i). The landlord shall
14 file a copy of the request or notice with the Rent Board within 10 days of service on the tenant.
15 A tenant's failure to submit a statement within the 30 day period shall be deemed an
16 admission that the tenant is not protected by Section 37.9(i). A landlord may challenge a
17 tenant's claim of protected status either by requesting a hearing with the Rent Board or, at the
18 landlord's option, through commencement of eviction proceedings, including service of a
19 notice of termination of tenancy. In the Rent Board hearing or the eviction action, the tenant
20 shall have the burden of proof to show protected status. No civil or criminal liability under
21 Section 37.9(e) or (f) shall be imposed upon a landlord for either requesting or challenging a
22 tenant's claim of protected status.

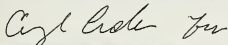
23 (5) This Section 37.9(i) is severable from all other sections and shall be of no force or
24 effect if any temporary moratorium on owner/relative evictions adopted by the Board of
25 Supervisors after June 1, 1998 and before October 31, 1998 has been invalidated by the

1 courts in a final decision.

2
3 Section 4. Severability.

4 If any provision or clause of this Ordinance No. _____ or the application thereof to any person
5 or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent
6 jurisdiction, such invalidity shall not affect other Ordinance No. _____ provisions, and clauses of this
7 Ordinance No. 28-09 are declared to be severable.

8
9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: 
13 MARIE CORLETT BLITS
14 Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 080822

Date Passed:

Ordinance amending Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by making findings and amending Sections 37.2 and 37.9 to provide protections for tenants who are victims of domestic violence or sexual assault or stalking, including protection from evictions based on the actions of abusers or stalkers, and confidentiality protections.

February 3, 2009 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

February 3, 2009 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

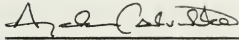
February 10, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

File No. 080822

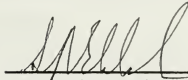
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on February 10,
2009 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board

2/20/09

Date Approved



Mayor Gavin Newsom

FOR

[Settlement of Lawsuit]

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaffar and against the City and County of San Francisco in the amount of \$350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehrdad Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to allow Judgment to be entered, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaffar and against the City and County of San Francisco in the action entitled "Mehrdad Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello", United States District Court, Court No. C07-4494 JSW in the amount of \$350,000.

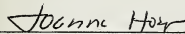
Section 2. The above-named action was filed in the United States District Court on July 20, 2007 and the following parties were named in the lawsuit: Plaintiff Mehrdad Alemozaffar and Defendants City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.

APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

DENNIS J. HERRERA
City Attorney

SAN FRANCISCO POLICE DEPARTMENT


JOANNE HOEPER
Chief Trial Deputy


HEATHER FONG
Chief

GOVERNMENT
DOCUMENTS DEPT

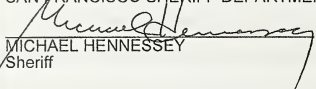
OFFICE OF THE CITY ATTORNEY
BOARD OF SUPERVISORS

APR 15 2009

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PUBLIC LIBRARY

1 RECOMMENDED:

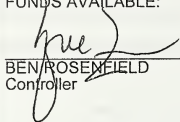
2 SAN FRANCISCO SHERIFF DEPARTMENT

3 
4 MICHAEL HENNESSEY
5 Sheriff

APPROVED:


6 SECRETARY
7 SAN FRANCISCO POLICE COMMISSION

8 FUNDS AVAILABLE:

9 
10 BEN ROSENFELD
11 Controller



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 090157

Date Passed:

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaffar and against the City and County of San Francisco in the amount of \$350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehrdad Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.

February 24, 2009 Board of Supervisors — PASSED ON FIRST READING

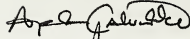
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 3, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090157

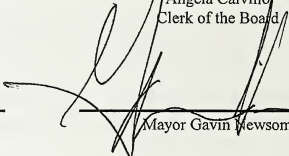
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 3, 2009 by
the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

3/5/09

Date Approved



Mayor Gavin Newsom

FILE NO. 081604

ORDINANCE NO.

[Amending FY 2008-2009 Annual Salary Ordinance.]

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.40 0.30 FTE); two 5640 Environmental Specialists (0.40 0.30 FTE each); and one 5638 Environmental Assistant (0.40 0.30 FTE) at the Department of the Environment.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*striketrough-italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~striketrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Amendment to FY 2008-2009 Annual Salary Ordinance.

The hereinafter designated section and item of Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) is hereby amended so that the same shall read as follows:

Department: ENV (22)

Program: CIP Energy

Subfund: 2S ENV GNC

Index Code: 220079

<u>Amendment</u>	<u># of Positions</u>	<u>Classification</u>	<u>Compensation Schedule</u>
Add	0.40 <u>0.30</u> FTE	5642 Senior Environmental Specialist	\$3,041 B \$3,696
Add	0.40 <u>0.30</u> FTE	5640 Environmental Specialist	\$2,614 B \$3,178

GOVERNMENT
DOCUMENTS DEPT

MAYOR NEWSOM
BOARD OF SUPERVISORS

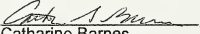
APR 15 2009

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PUBLIC LIBRARY

1 Add 0.40 0.30 FTE 5640 Environmental Specialist \$2,614 B \$3,178
2 Add 0.40 0.30 FTE 5638 Environmental Assistant \$2,151 B \$2,614

4 APPROVED AS TO FORM:
5 DENNIS Herrera, City Attorney

APPROVED AS TO CLASSIFICATION
DEPARTMENT OF HUMAN RESOURCES

6
7 By: 
8 Catharine Barnes
9 Deputy City Attorney

By: (SEE FILE FOR SIGNATURE)
MICKI CALLAHAN, Director
Department of Human Resources



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081604

Date Passed:

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.30 FTE); two 5640 Environmental Specialists (0.30 FTE each); and one 5638 Environmental Assistant (0.30 FTE) at the Department of the Environment.

February 24, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 3, 2009 Board of Supervisors — FINALLY PASSED

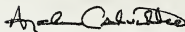
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081604

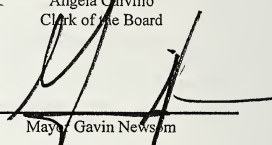
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 3, 2009 by
the Board of Supervisors of the City and
County of San Francisco.

3/9/09

Date Approved



Angela Calvillo
Clerk of the Board


Mayor Gavin Newsom

2/5/09

31-09

FILE NO. 081356

ORDINANCE NO.

[Zoning Map Amendment – 483 Bosworth Street, also known as 1 Lyell Street.]

Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the zoning of the property located at 483 Bosworth Street, also known as 1 Lyell Street, Assessor's Block 6753, Lot 063 from P (Public) to RH-2 (Residential, House Districts, Two-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b).

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors hereby finds and determines as follows:

(a) Pursuant to Planning Code Section 302, The Board finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 17675, and incorporates such reasons by this reference thereto.

(b) The Board finds that this ordinance is in conformity with the Priority Policies of Section 101.1(b) of the Planning Code and the General Plan and hereby adopts the findings of the Planning Commission, as set forth in Planning Commission Resolution No. 17675 and incorporates said findings by this reference as if fully set forth herein.

(c) On January 6, 2008, the Planning Department issued a General Rule Exclusion determining that the proposal is exempt from further review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.), the State CEQA Guidelines (California Code of Regulations Title 14 Sections 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

Planning Department
BOARD OF SUPERVISORS

GOVERNMENT
DOCUMENTS DEPT

APR 15 2009

Page 1
11/20/208

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(d) On August 8, 2008, the Planning Commission held a duly noticed public hearing and in Resolution No. 17675, the Planning Commission recommended amendments to the Zoning Map of the City and County of San Francisco for Assessor's Block 6753, Lot 063. Said amendments and accompanying maps and property descriptions, copies of which are on file with the Clerk of the Board of Supervisors in File No. 081356, are incorporated by reference herein.

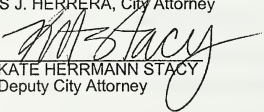
Section 2. Amendment of Section 11 of the Zoning Map.

The San Francisco Planning Code, Zoning Map Sheet 11, is hereby amended, so that the entire area of Assessor's Block 6753, Lot 063 will be rezoned from a zoning designation of P (Public) to a zoning designation of RH-2 (Residential, House Districts, Two-Family).

<u>Description of Property</u>	Zoning District to be Superseded	Zoning District to be Approved
Assessor's Lot No. 063 in Block 6753	P	~~NC-X~~ <u>RH-2</u>

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:


KATE HERRMANN STACY
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081356

Date Passed:

Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the zoning of the property located at 483 Bosworth Street, also known as 1 Lyell Street, Assessor's Block 6753, Lot 063 from P (Public) to RH-2 (Residential, House Districts, Two-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b).

February 24, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 3, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081356

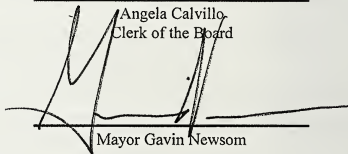
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 3, 2009 by
the Board of Supervisors of the City and
County of San Francisco.

3/9/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Workforce Development – First Source Hiring Program.]

Ordinance amending Administrative Code Chapter 83, Section 83.18 to eliminate the expiration date of the First Source Hiring Program, and Section 83.10 to eliminate the attorneys fees provision.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 83.10 and 83.18, to read as follows:

SEC. 83.10. VIOLATION OF FIRST SOURCE HIRING REQUIREMENTS IN CONTRACTS AND PROPERTY CONTRACTS.

(a) Every contract covered by this Chapter shall contain a provision in which the Contractor agrees:

- (1) To be liable to the City for liquidated damages as provided in this section;
- (2) To be subject to the procedures governing enforcement of breaches of contracts based on violations of contract provisions required by this Chapter as set forth in this section;
- (3) That the contractor's commitment to comply with this Chapter is a material element of the City's consideration for this contract; that the failure of the contractor to comply with the contract provisions required by this Chapter will cause harm to the City and the public which is significant and substantial but extremely difficult to quantify; that the harm to the City includes not only the financial cost of funding public assistance programs but also the insidious but impossible to quantify harm that this community and its families suffer as a result of unemployment; and that the assessment of liquidated damages of up to \$5,000.00 for every

DOCUMENTS DEPT

Supervisors Mirkarimi, Maxwell, Campos
BOARD OF SUPERVISORS

APR 15 2009

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1 notice of a new hire for an entry level position improperly withheld by the contractor from the
2 first source hiring process, as determined by the FSHA during its first investigation of a
3 contractor, does not exceed a fair estimate of the financial and other damages that the City
4 suffers as a result of the contractor's failure to comply with its first source referral contractual
5 obligations.

6 (4) That the continued failure by a contractor to comply with its first source referral
7 contractual obligations will cause further significant and substantial harm to the City and the
8 public, and that a second assessment of liquidated damages of up to \$10,000.00 for each
9 entry level position improperly withheld from the FSHA, from the time of the conclusion of the
10 first investigation forward, does not exceed the financial and other damages that the City
11 suffers as a result of the contractor's continued failure to comply with its first source referral
12 contractual obligations;

13 (5) That in addition to the cost of investigating alleged violations under this Section, the
14 computation of liquidated damages for purposes of this section is based on the following data:

15 A. The average length of stay on public assistance in San Francisco's County Adult
16 Assistance Program is approximately 41 months at an average monthly grant of \$348.00 per
17 month, totaling approximately \$14,379.00; and

18 B. In 2004, the retention rate of adults placed in employment programs funded under
19 the Workforce Investment Act for at least the first six months of employment was 84.4%.
20 Since qualified individuals under the First Source program face far fewer barriers to
21 employment than their counterparts in programs funded by the Workforce Investment Act, it is
22 reasonable to conclude that the average length of employment for an individual whom the
23 First Source Program refers to an employer and who is hired in an entry level position is at
24 least one year;

1 Therefore, liquidated damages that total \$5,000.00 for first violations and \$10,000.00
2 for subsequent violations as determined by FSHA constitute a fair, reasonable, and
3 conservative attempt to quantify the harm caused to the City by the failure of a contractor to
4 comply with its first source referral contractual obligations.

5 (6) That the failure of contractors to comply with this Chapter, except property
6 contractors, may be subject to the debarment and monetary penalties set forth in Sections
7 6.80 et seq. of the San Francisco Administrative Code, as well as any other remedies
8 available under the contract or at law. ~~and~~

9 ~~(7) That in the event the City is the prevailing party in a civil action to recover liquidated~~
10 ~~damages for breach of a contract provision required by this Chapter, the contractor will be liable for~~
11 ~~the City's costs and reasonable attorneys fees.~~

12 (b) The FSHA shall promulgate appropriate guidelines or rules for the enforcement of
13 this Chapter. Such guidelines or rules may establish procedures for ensuring fair, efficient,
14 and cost-effective implementation of this Chapter, including mechanisms to monitor contractor
15 compliance with the contract provisions required by this Chapter, and for determining whether
16 a contractor has failed to comply with its first source referral contractual obligations.

17 (c) The FSHA may investigate possible violations of contract provisions required by
18 this Chapter. Where the FSHA, after providing the contractor with the opportunity to respond
19 to the alleged violation, determines that a contractor failed to make available entry level
20 positions to the FSHA for referral of qualified economically disadvantaged individuals, as
21 required by the applicable first source hiring agreement, the FSHA shall provide written notice
22 to the contractor as follows:

23 (1) The factual basis for the determination;

24 (2) The corrective action that the contractor must take to remedy the violation;

1 (3) The amount of liquidated damages that the FSHA has assessed for the
2 contractor's violation of this Chapter;

3 (4) Notice that the contractor has 15 days to either take the required corrective action,
4 including payment of liquidated damages, or to file an appeal consistent with subsection (5),
5 below;

6 (5) That the contractor has the right to appeal the FSHA's final determination to the
7 OLSE, including the assessment of liquidated damages and the amount assessed, but that
8 any such appeal must be filed in writing with the OLSE within 15 days of the date of the
9 issuance of FSHA's determination and that a contractor must file an appeal with the OLSE in
10 order to exhaust administrative remedies;

11 (6) That if the contractor fails to take the required corrective action or file on appeal in
12 writing with the OLSE within 15 days as set forth above, the FSHA's determination shall be
13 the City's final and binding decision which the City may enforce in a court of law, and

14 (7) That the contractor will be required to comply with the decision within 5 business
15 days of the FSHA's decision becoming final, including payment of liquidated damages, if any,
16 together with simple annual interest of 10% from the date that payment should have been
17 made.

18 (d) (1) While liquidated damages in the maximum amount set forth in this section are a
19 reasonable estimate of harm to the City caused by the contractor's non-compliance with
20 contract provisions required by this Chapter, the FSHA may determine that less than the full
21 amount is warranted depending on the circumstances of each case. The FSHA shall consider
22 the following factors in determining the amount of liquidated damages, if any, to impose
23 against a contractor who fails to comply with contract provisions required by this Chapter:

24 (A) The size of the contractor's business;

1 (B) The contractor's good faith efforts to comply with contract provisions required by
2 this Chapter;

3 (C) The gravity of the violation;

4 (D) Whether the contractor has a history of violations of contract provisions required by
5 this Chapter;

6 (E) Whether the contractor has failed to comply with recordkeeping requirements
7 imposed by contract provisions under this Chapter; and

8 (F) Whether the imposition of liquidated damages would undermine the purpose of this
9 Chapter by imposing unreasonable financial burdens on the contractor, thereby imperiling the
10 contractor's ability to continue complying with contract provisions required by this Chapter.

11 (e) (1) Within 15 days of receiving an appeal from the FSHA's final determination, the
12 OLSE shall appoint a hearing officer and shall so advise the FSHA and the contractor, and/or
13 their respective counsel or authorized representative.

14 (2) The hearing officer shall promptly set a date for a hearing. The hearing must
15 commence within 45 days of the notification of the appointment of the hearing officer and
16 conclude within 75 days of such notification, not including the issuance of a decision, unless
17 all parties agree to an extended period. If a contractor appeals the FSHA's initial
18 determination but fails to attend a hearing set under this subsection, the FSHA's initial
19 determination shall become final.

20 (3) The FSHA shall have the burden of producing evidence justifying its imposition of
21 liquidated damages under this Chapter, and of the contractor's violation of contract provisions
22 required by this Chapter, and shall have the burden of proving that a violation occurred. The
23 contractor shall have the right to present evidence on its behalf in response to any alleged
24 violation of contract provisions required by this Chapter.
25

1 (4) Within 30 days of the conclusion of the hearing, the hearing officer shall issue a
2 written decision affirming, modifying, or vacating the FSHA's determination of whether the
3 contractor violated the first source hiring agreement, of what corrective action that the
4 contractor must take to remedy any violation, and of the amount of liquidated damages to be
5 assessed, if any. The hearing officer's decision shall consist of findings and a determination,
6 which shall be the City's final decision.

7 (5) The contractor shall comply with the hearing officer's decision within 5 business
8 days of service of the decision. Service shall be made by first class mail to the contractor's
9 address of record. If the hearing officer imposed liquidated damages, the contractor shall pay
10 the liquidated damages within 5 business days of the receipt of the decision. Payment of
11 liquidated damages after that day shall be subject to simple annual interest of 10% from the
12 day that such damages were due.

13 (6) The contractor may seek review of the hearing officer's decision only by filing in the
14 San Francisco Superior Court a petition for a writ of mandate under California Code of Civil
15 Procedure, section 1094.5, as may be amended from time to time.

16 (7) When a contractor fails to take corrective action within the time required by the
17 provisions of this section, the City may immediately pursue all available remedies against the
18 contractor for breach of contract, including debarment proceedings where applicable and filing
19 a civil action to recover liquidated damages due under this section.

20 (8) The failure of the FSHA or OLSE to comply with the time requirements of this
21 Section shall not cause the OLSE or the hearing officer to lose jurisdiction over an appeal
22 from the FSHA's determination filed under this Section.
23
24
25

1 (f) If the developer fulfills its obligations as set forth in this Chapter, the developer shall
2 not be held responsible for the failure of an employer to comply with the requirements of this
3 Chapter.

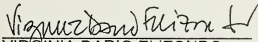
4 (g) Liquidated damages obtained under this Chapter shall be deposited in the general
5 fund.

6 **SEC. 83.18. OPERATIVE DATE AND APPLICATION.**

7 Phase I, as defined in 83.4(r) became operative on October 20, 1998. Phase II, as
8 defined in Section 83.4(s) of this Chapter became operative on April 1, 2001, 24 (twenty-four)
9 months after the FSHA adopted a resolution stating that Phase I had been implemented. This
10 Chapter is intended to have prospective effect only, and shall not be interpreted to impair any
11 rights under any existing City contract or property contract or permit. *The provisions of this*
12 ~~Chapter shall expire on January 1, 2009.~~

13
14 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

15
16 By:


17 VIRGINIA DARIO ELIZONDO
18 Deputy City Attorney
19
20
21
22
23
24
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081512

Date Passed:

Ordinance amending Administrative Code Chapter 83, Section 83.18 to eliminate the expiration date of the First Source Hiring Program, and Section 83.10 to eliminate the attorneys fees provision.

February 24, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 3, 2009 Board of Supervisors — FINALLY PASSED

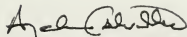
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081512

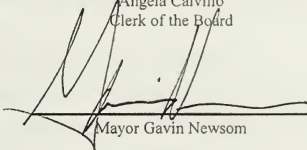
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 3, 2009 by
the Board of Supervisors of the City and
County of San Francisco.

3/9/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

1 [Settlement of Lawsuit]
2

3 Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing
4 Corporation against the City and County of San Francisco for \$42,000; the lawsuit was
5 filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled
6 Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al.
7

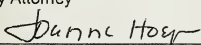
8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. The City Attorney is hereby authorized to settle the action entitled
10 "Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al., San
11 Francisco Superior Court, Court No. 464-348 by the payment of \$42,000.
12

13 Section 2. The above-named action was filed in San Francisco Superior Court on
14 June 15, 2007, and the following parties were named in the lawsuit: Plaintiff Computers for
15 Marketing Corporation; Defendant City and County of San Francisco.

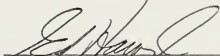
16 APPROVED AS TO FORM AND
17 RECOMMENDED:

18 DENNIS J. HERRERA
19 City Attorney

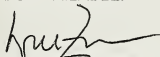
20 
21 JOANNE HOEPER
22 Chief Trial Deputy

RECOMMENDED:

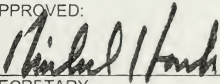
PUBLIC UTILITIES COMMISSION

23 
24 ED HARRINGTON
25 General Manager

26 FUNDS AVAILABLE:

27 
28 BEN ROSENFELD
29 Controller
30 Index Code: CWP110PU2AAA
31 Subobject: 05312

APPROVED:

32 
33 SECRETARY
34 PUBLIC UTILITIES COMMISSION

OFFICE OF THE CITY ATTORNEY
BOARD OF SUPERVISORS

GOVERNMENT
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APR 15 2009

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City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090044

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for \$42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al.

February 24, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 3, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090044

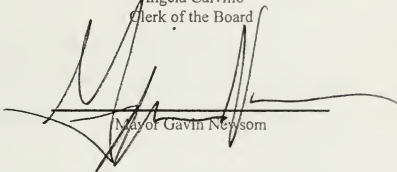
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 3, 2009 by
the Board of Supervisors of the City and
County of San Francisco.

3/9/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

1 [Settlement of Lawsuit]

2
3 Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City
4 and County of San Francisco for \$175,000; the lawsuit was filed on February 14, 2007 in
5 San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City
6 and County of San Francisco, et al.

7
8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. The City Attorney is hereby authorized to settle the action entitled "Susan
10 Howard, et al., v. City and County of San Francisco, et al., San Francisco Superior, Court
11 No. 460-454 by the payment of \$175,000.

12 Section 2. The above-named action was filed in San Francisco Superior Court on
13 February 14, 2007, and the following parties were named in the lawsuit: Plaintiff Susan
14 Howard; Defendant City and County of San Francisco.

15 APPROVED AS TO FORM AND
16 RECOMMENDED:

RECOMMENDED:

17 DENNIS J. HERRERA
18 City Attorney

DEPARTMENT OF PUBLIC WORKS

19 Joanne Hooper
20 JOANNE HOEPER
Chief Trial Deputy

Ed Reiskin
ED REISKIN
Director

21 FUNDS AVAILABLE:

22 Ben Rosenfield
23 BEN ROSENFELD
24 Controller
Index Code: 975016
25 Subobject: 05312

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OFFICE OF THE CITY ATTORNEY
BOARD OF SUPERVISORS

APR 15 2008

SAN FRANCISCO
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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090045

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for \$175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al.

February 24, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 3, 2009 Board of Supervisors — FINALLY PASSED

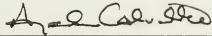
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090045

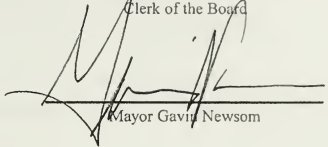
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 3, 2009 by
the Board of Supervisors of the City and
County of San Francisco.

3/9/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Administrative Code Revision: Health Service System]

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 16.703, to read as follows:

Sec. 16.703 HEALTH SERVICE SYSTEM; PLAN AND CONTRIBUTION RATES.

Changes in contribution rates adopted by the Health Service Board, as respects the plans of the Health Service System, to become effective on ~~July 1, 2008~~ July 1, 2009 for the fiscal year ~~July 1, 2008~~ July 1, 2009 through ~~June 30, 2009~~ June 30, 2010, approved by the Health Service Board in actions taken by it on ~~November 8, 2007, January 10, 2008, January 25, 2008 and February 12, 2008~~ January 8, 2009, which plans and contribution rates are on file with the Clerk of the Board of Supervisors, are hereby approved.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Erik Rapoport
Erik Rapoport
Deputy City Attorney

GOVERNMENT
DOCUMENTS DEPT

APR 15 2009

Supervisor Elsbernd
BOARD OF SUPERVISORS

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PUBLIC LIBRARY



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090097

Date Passed:

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

February 24, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 3, 2009 Board of Supervisors — FINALLY PASSED

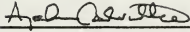
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090097

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 3, 2009 by
the Board of Supervisors of the City and
County of San Francisco.

3/9/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

1 [Re-establishing the name of the Richmond District.]

2 **Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of**
3 **Golden Gate Park and west of Arguello Boulevard as the Richmond District.**
4

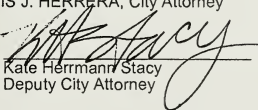
5 Be it ordained by the People of the City and County of San Francisco:

6 Section 1. Findings. The Board of Supervisors named the area north of Golden Gate
7 Park and west of First Avenue the Richmond District on November 24, 1890. In 1917,
8 improvement clubs in the Richmond District petitioned the Board of Supervisors to change the
9 name of the district to Park-Presidio District, to distinguish this neighborhood from the City of
10 Richmond in Contra Costa County. On November 26, 1917 the Board of Supervisors re-
11 named the area north of Golden Gate Park and west of First Avenue as the "Park Presidio
12 District" by Ordinance 4397. The name "Park Presidio District" never became popular with
13 the public or perpetuated by City and County use. The area has never been known or referred
14 to as the "Park Presidio District" but has been known and referred to as the Richmond District.
15 This correction of the public record of the Board of Supervisors would have no fiscal impact or
16 need for change of any current designation of the district. The Board of Supervisors seeks to
17 clarify the official name of the area as the Richmond District.

18 Section 2. The Board of Supervisors hereby rescinds Ordinance 4397 and establishes
19 the name of the area north of Golden Gate Park and west of Arguello Boulevard as the
20 Richmond District.

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:

24 
Kate Herrmann/ Stacy
25 Deputy City Attorney

GOVERNMENT
DOCUMENTS DEPT

APR 15 2009

Page 1
1/27/2009

Supervisor Mar
BOARD OF SUPERVISORS

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090099

Date Passed:

Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of Golden Gate Park and west of Arguello Boulevard as the Richmond District.

February 24, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

March 3, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 090099

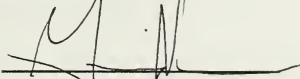
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 3, 2009 by
the Board of Supervisors of the City and
County of San Francisco.

3/9/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[De-appropriating \$11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission.]

Ordinance de-appropriating \$11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein de-appropriated to reflect actions taken by the Budget and Finance Committee on Ordinance number 311-08 which were not reflected in the version of the ordinance which appeared before the full Board Supervisors previously. This ordinance corrects for that discrepancy.

SOURCES De-appropriation

Fund	Index Code	Subobject	Description	Amount
5W CPF 02E --	*WTRY5WCPF02E	80399	Proceeds of Debt	\$(11,617,063)
2002 Prop E Bond	-- 2002 Prop E Bond			
Total SOURCES Appropriation				\$(11,617,063)

Section 2. The uses of funding outlined below are herein de-appropriated in the Subobject 06700 buildings, structures and improvements, and reflects the projected uses of funding to support the Water System Improvement Program at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009.

GOVERNMENT
DOCUMENTS DEPT

APR 15 2009

Page 1 of 4

San Francisco Public Utilities Commission

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USES De-appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
5W CPF 02E	WTRSIPCPF02E /	06700- Buildings	San Joaquin Water	\$(11,492)
2002 Prop E	CUWSJI 0100	Structures and	System Improvement	
Bond		Improvements	Project	
5W CPF 02E	WTRSIPCPF02E /	06700- Buildings	Sunol Valley Water	\$(463,794)
2002 Prop E	CUWSVI 0100	Structures and	System Improvement	
Bond		Improvements	Project	
5W CPF 02E	WTRSIPCPF02E / CUWBDI0100	06700- Buildings	Bay Division Water	\$(4,074,223)
2002 Prop E		Structures and	System Improvement	
Bond		Improvements	Project	
5W CPF 02E	WTRSIPCPF02E /	06700- Buildings	San Francisco Local	\$(5,395)
2002 Prop E	CUWSLP 0100 -	Structures and	Pump Station/Tanks	
Bond		Improvements		
5W CPF 02E	730200BUD /	06700- Buildings	Recycled Water Project	\$(7,500,000)
2002 Prop E	CUW302 0100 -	Structures and		
Bond		Improvements		
Total USES De-appropriation				\$(12,054,904)

Section 3. The uses of funding outlined below are herein appropriated in the Subobject 06700 buildings, structures and improvements, and reflects the projected uses of funding to support the Water System Improvement Program at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009.

USES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
5W CPF 02E	WTRSIPCPF02E /	06700- Buildings	Peninsula Water System	\$315,517
2002 Prop E	CUWPWI 0100	Structures and	Improvement Project	
Bond		Improvements		
5W CPF 02E	WTRSIPCPF02E/	06700- Buildings	San Francisco Local	\$122,324
2002 Prop E	CUWSLR 0100 –	Structures and	Reservoirs	
Bond		Improvements		
Total USES Appropriation				<u>\$437,841</u>

Section 4: The total new appropriation of \$437,841 is placed on Controller's Appropriation Reserve by project. Release of appropriation reserves by the Controller is subject to the prior occurrence of: 1) the SFPUC's and the Board of Supervisors' discretionary adoption of CEQA Findings for projects, following review and consideration of completed project-related environmental analysis, pursuant to CEQA, the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, where required, and 2) the Controller's certification of funds availability, including proceeds of indebtedness.

FUNDS AVAILABLE

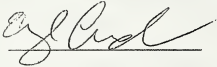
APPROVED AS TO FORM:

BEN ROSENFELD

DENNIS J. HERRERA, City Attorney

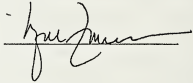
Controller

By:

A handwritten signature in dark ink, appearing to read "D. Herrera", written over a horizontal line.

Deputy City Attorney

By:

A handwritten signature in dark ink, appearing to read "Ben Rosenfield", written over a horizontal line.

Date: 1/26/2009



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 090108

Date Passed:

Ordinance de-appropriating \$11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission.

February 24, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 3, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090108

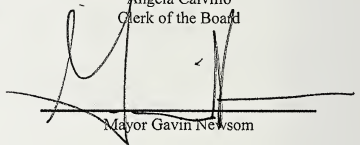
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 3, 2009 by
the Board of Supervisors of the City and
County of San Francisco.

3/9/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Landmark Tree Designation of California Buckeye, *Aesculus Californica*, located behind 757 Pennsylvania Street.]

Ordinance designating the California Buckeye (*Aesculus Californica*) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~striketrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~striketrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) Public Works Code Section 810 establishes a procedure for the nomination, designation, and removal of landmark trees.

(b) Supervisor Maxwell introduced a resolution of intent to nominate the California Buckeye (*Aesculus Californica*) located behind 757 Pennsylvania Street (Assessor's block 4168, Lot 011) for landmark tree status. The Board of Supervisors adopted this nomination in Resolution no. 431-08. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in File No. 081305 and is incorporated herein by reference.

(c) The Board of Supervisors adopted landmark tree designation criteria in Resolution No. 440-06. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in File No. 060487 and is incorporated herein by reference.

(d) On December 12, 2008, after a duly noticed public hearing, the Urban Forestry Council adopted Resolution No. 010-08 recommending that the Board of Supervisors designate this tree for landmark status based on the abovementioned landmark tree

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DOCUMENTS DEPT

Supervisor Maxwell
BOARD OF SUPERVISORS

APR 15 2009

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1 designation criteria. A copy of said Resolution is on file with the Clerk of the Board of
2 Supervisors in File No. 090137 and is incorporated herein by reference.

3 (e) The Urban Forestry Council determined that this tree qualifies as a landmark tree
4 based on the criteria set forth below and as further delineated in the City's landmark tree
5 designation criteria:

6 (1) Rare: The tree is uncommon and possibly rare in San Francisco;

7 (2) Size: The tree is a large specimen for this species with a huge canopy
8 spread and great trunk girth;

9 (3) Age: Although the actual age of the tree is undetermined, the tree
10 appears quite old;

11 (4) Historical association: The tree is likely genetic and possibly naturally-
12 occurring remnant of the original San Francisco forest;

13 (5) Ethnic appreciation: Ohlone Indians used California Buckeyes for fishing
14 and as a source of nutrition;

15 (6) Profiled in publication or other media: The tree is profiled and
16 photographed in Peter Linenthal and Abigail Johnston's publication "San Francisco's Potrero
17 Hill;"

18 (7) Accessible from public right-of-way: The tree is in a high traffic area and
19 accessible from the public's right of way. The California Buckeye is exceedingly visible from
20 the 22nd Street Caltrain Station platform;

21 (8) Important wildlife habitat: The tree provides habitat and nourishment for
22 a variety of wildlife, including indigenous species;

23 (9) Prominent landscape feature: The tree is a prominent landscape feature
24 occurring in an area of low tree density; and
25

1 (10) Prominent landscape feature: Despite obvious abuse and structural
2 problems, the tree is a striking character appearing sound and nonhazardous.

3 (f) The Board of Supervisors adopts as its own the findings of the Urban Forestry
4 Council in regard to this tree.

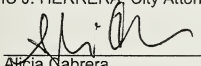
5 Section 2. Landmark Tree Designation.

6 (a) Based on the above mentioned findings, the Board of Supervisors designates the
7 California Buckeye (*Aesculus Californica*), located behind 757 Pennsylvania Street
8 (Assessor's Block 4168, Lot 011) as a landmark tree.

9 (b) The Board of Supervisors directs the Department of Public Works to record the
10 landmark designation of this tree on the property record of 757 Pennsylvania Street
11 (Assessor's Block 4168, Lot 011) and list the tree in the Department's Official Book of
12 Landmark Trees.

13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By:

16 
17 Alicia Cabrera
18 Deputy City Attorney
19
20
21
22
23
24
25



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090137

Date Passed:

Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

March 3, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 17, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090137

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 17, 2009
by the Board of Supervisors of the City and
County of San Francisco.

3/24/09

Date Approved

Angela Calvillos

Angela Calvillos
Clerk of the Board

Mayor Gavin Newsom

Mayor Gavin Newsom

1 [Settlement of Lawsuit.]
2

3 Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert
4 Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves
5 and others similarly situated, against the City and County of San Francisco for
6 \$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the
7 lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the
8 Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and
9 County of San Francisco; (b) November 14, 2006 in the United States District Court for
10 the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City
11 and County of San Francisco; and (c) November 7, 2006 in the United States District
12 Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v.
13 City and County of San Francisco.

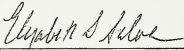
14 Be it ordained by the People of the City and County of San Francisco:

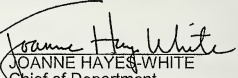
15 Section 1. The City Attorney is hereby authorized to settle plaintiffs' claims in the
16 actions entitled Weaver, et al. v. City and County of San Francisco; United States District
17 Court for the Northern District of California, Case No. 06-7071 SI, Moynihan, et al. v. City and
18 County of San Francisco; United States District Court for the Northern District of California,
19 Case No. 06-6953 SI, and Green, et al. v. City and County of San Francisco, United States
20 District Court for the Northern District of California, Case No. 06-6953 SI, by the payment of
21 \$1,291,741.11, plus 7% simple interest from January 4, 2009 to the date of payment. The
22 payment shall be allocated as follows: (a) \$735,383.13 as back wages, less applicable taxes;
23 (b) \$281,357.98 plus 7% simple interest on any unpaid settlement amounts from January 4,
24 2009 to date of payment, as interest; and (c) \$275,000.00 for attorneys' fees and costs.
25

1 Section 2. The above-named actions were filed in the United States District Court for
2 the Northern District of California on April 14, 2003 (Weaver), November 7, 2006 (Green), and
3 November 14, 2006 (Moynihan) and the following parties were named in the lawsuit: Robert
4 Weaver and 168 other similarly situated employees, plaintiffs; and the City and County of San
5 Francisco, defendant.

6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

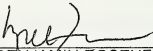
RECOMMENDED:
San Francisco Fire Department

9
10 By: 
11 ELIZABETH S. SALVESON
12 Chief Labor Attorney

By: 
13 JOANNE HAYES-WHITE
14 Chief of Department
15 12/11/08

16 FUNDS ARE AVAILABLE:
17 Office of the Controller

San Francisco Fire Commission

18
19 By: 
20 BENJAMIN ROSENFELD
21 Controller
22 Index Code: 975024
23 Subobject: 05312

By: 
24 Secretary



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 090046

Date Passed:

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco.

March 3, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 17, 2009 Board of Supervisors — FINALLY PASSED

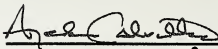
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090046

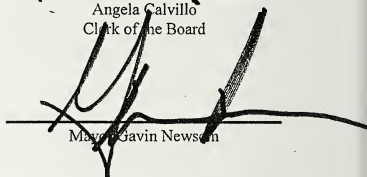
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 17, 2009
by the Board of Supervisors of the City and
County of San Francisco.

3/26/09

Date Approved



Angela Galvillo
Clerk of the Board



Mayor Gavin Newsom

[Waiver of temporary street space occupancy fee on April 4, 2009 for Cesar E. Chavez Holiday Parade and Festival 2009.]

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

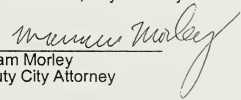
Section 1. In order to promote Cesar E. Chavez Holiday Parade and Festival 2009 and permit sidewalk sales of merchandise, the fee for temporary street space occupancy set forth in Public Works Code Section 724.1, subsection (b), shall be waived on Saturday, April 4, 2009, between 7 am and 9 pm, in the following geographic areas of the City:

24th Street between Mission Street and Potrero Avenue.

All other provisions of Public Works Code Sections 724 et seq. shall remain in full effect.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:


Mariam Morley
Deputy City Attorney

GOVERNMENT
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APR 15 2009

Supervisor David Campos
BOARD OF SUPERVISORS

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 090275

Date Passed:

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 24, 2009 Board of Supervisors — FINALLY PASSED

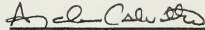
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090275

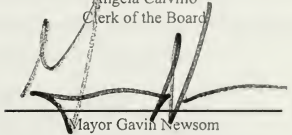
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/1/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures.]

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, *et al*, Initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

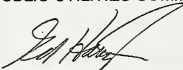
Section 1. The City Attorney and the General Manager of the San Francisco Public Utilities Commission (PUC) are hereby authorized to settle the proceedings before the Federal Energy Regulatory Commission (FERC) in Docket No. ER05-516-000 *et al*, initiated by the City. The settlement adopts Revised Procedures for interconnection of City facilities ("Revised Procedures"). The Board of Supervisors hereby approves the Revised Procedures. The settlement and Revised Procedures are on file with the Clerk of the Board of Supervisors in File No. 090172, and are declared to be a part of this ordinance as if fully set forth herein. The PUC approved the Revised Procedures on January 13, 2009 by Resolution No 09-0011 and recommends approval by the Board of Supervisors. If approved by the Board of Supervisors, the Settlement and the Revised Procedures will be submitted to FERC for approval.

Section 2. The Settlement.

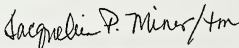
1 Over the years, the City and PG&E have had many disputes related to the
2 interconnection of the City's facilities to PG&E's electric system. The City challenged PG&E's
3 treatment of the interconnection of a number of City facilities at FERC. FERC consolidated
4 the City's protests into one proceeding and established hearings and settlement procedures.
5 The consolidated cases are pending before FERC in Docket No. ER05-516-000, *et al.* FERC
6 has stayed the proceeding to February 28, 2009 to give the Parties an opportunity to reach a
7 settlement.

8 In April 2008, PG&E returned to the City overcharges of \$513,177.67, related to the
9 interconnection of City facilities. The City and PG&E have reached a settlement and agreed
10 to revise the procedures for the interconnection of the City's facilities. The Revised
11 Procedures address the process for new and modified service connections, the costs for
12 simple connections such as traffic signals, and clarify the principle that PG&E, at its own
13 expense, must remove or relocate its facilities when the relocation is required by work on City
14 projects.

15
16
17 RECOMMENDED:
PUBLIC UTILITIES COMMISSION

18 
19 Ed Harrington
20 General Manager

DENNIS J. HERRERA, CITY ATTORNEY

21 
22 Jacqueline P. Minor
23 Deputy City Attorney
24
25



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090172

Date Passed:

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities.

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 24, 2009 Board of Supervisors — FINALLY PASSED

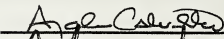
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

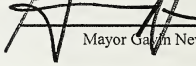
File No. 090172

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/2/09

Date Approved


Angela Calvillo
Clerk of the Board


Mayor Gavin Newsom

FILE NO. 090100

[Solar Energy Incentive Program.]

Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~striketrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~striketrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Environment Code is hereby amended by amending Sections 18.3, 18.4, and 18.6, to read as follows:

SEC. 18.3. TYPES OF SYSTEMS ELIGIBLE FOR ASSISTANCE.

(a) **Photovoltaic panel systems.** Photovoltaic panel systems that produce electricity from sunlight, installed on ~~existing~~ single and multifamily residential, commercial, and industrial buildings, with generating capacity of at least one (1) kilowatt are eligible for assistance under this program.

(b) **Other systems.** The Program Administrator may extend program eligibility to other types of customer-owned distributed renewable energy generation systems, so long as such an extension is accompanied by publication of criteria for allocating incentive payments for such purpose and the limits on such incentives. Such an extension must be accompanied by analysis demonstrating that the projected positive market effects of the incentive on the in-City market for the development of renewable energy and energy efficiency are comparable to those attributes of the photovoltaic panel program.

GOVERNMENT
DOCUMENTS DEPT

Supervisor Mirkarimi, Campos, Mar
BOARD OF SUPERVISORS

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1 (c) **No limit on generating capacity.** There shall be no maximum generating
2 capacity limitation on systems that are eligible for the incentive.

3
4 **SEC. 18.4. LIMITS ON AMOUNTS OF ASSISTANCE.**

5 (a) **Limits for all types of systems.** No applicant may receive assistance in excess
6 of the cost to design, purchase and install the system, net of incentives, rebates, tax credits or
7 other payments received from other governmental entities. ~~Regardless of system generating~~
8 ~~capacity, no applicant may receive assistance in excess of ten thousand dollars (\$10,000).~~

9 (b) **Limits for photovoltaic panel systems for residential property.**

10 (i) Except as further provided in this clause (b), no residential applicant may
11 receive assistance in excess of three thousand dollars (\$3,000) toward the cost to design,
12 purchase and install photovoltaic panels. If the property is a multifamily residential project, the
13 applicant may apply for and receive an incentive payment corresponding to each electricity
14 meter served by the system, so long as the system provides each such electricity meter with a
15 generating capacity of at least one (1) kilowatt or financial credits that result from a generating
16 capacity of at least one (1) kilowatt from the energy generation system ~~sufficient to satisfy the~~
17 ~~requirements of Section 18.3(a).~~

18 ~~(ii) The limit of assistance shall be \$4,000 for systems installed by an individual, firm or~~
19 ~~organization whose principal office or offices are located within the City. If in implementing the~~
20 ~~program the Program Administrator determines that the terms of this clause do not provide the~~
21 ~~intended stimulus for the in-City installation industry, then the Program Administrator may establish~~
22 ~~new criteria that it deems more effective in achieving the in-City job creation and installation market~~
23 ~~objectives of the program.~~

24 ~~(iii)~~(ii) The limit of assistance shall be \$5,000 for applicants residing in an
25 Environmental Justice District, as such district or districts are determined by the Program

1 Administrator, or for applicants that are recipients of the California Public Utilities Commission's
2 CARE (California Alternative Rates for Energy) rates that provide rate discounts for qualified low or
3 fixed income households, or for building owners that are recipients of the California Department of
4 Housing and Community Development's CalHome loan program, which provides low-interest, deferred
5 rehabilitation loans to low-income homeowners.

6 (iii) CARE and CalHome participants or participants in the CPUC Low Income
7 program under CSI, as well as households with incomes that are certified by the Mayor's Office of
8 Housing pursuant to Section 18.7-5, shall be eligible for an additional \$5000 if the application for the
9 low income incentive is received before February 1, 2009.

10 (iv) CARE and CalHome participants or participants in the CPUC Low Income
11 program under the CSI, as well as households with incomes that are certified by the Mayor's Office of
12 Housing pursuant to Section 18.7-5, shall be eligible for an additional \$7000 if the application for the
13 low income incentive is received by the Program Administrator on or after February 1, 2009.

14 (v) The limit of assistance shall be \$6,000 for systems installed by an
15 individual trained under the City workforce development program. The Department of Economic
16 & Workforce Development, which directs the City's overall workforce development efforts, will be
17 responsible for developing and ensuring compliance with workforce criteria for this incentive program.
18 These criteria may include, but are not limited to: a minimum requirement for hours worked on the
19 solar installation by an individual hired through the City workforce development system; a requirement
20 that individuals hired through the City workforce development system perform skilled work on the
21 installation; workforce training program or system prioritization of San Francisco residents who are
22 low income and/or have barriers to employment; and other standards for workforce system programs.
23 If in implementing the incentive program, the Program Administrator and the Department of Economic
24 and Workforce Development determine that the terms of this clause do not provide the intended
25 stimulus for the successful placement of workers trained under local workforce development programs,

1 then the Program Administrator in coordination with the Department of Economic and Workforce
2 Development may establish new criteria that it deems more effective in achieving such objectives of the
3 program. If in implementing the incentive program the Program Administrator determines that the
4 terms of this clause do not provide the intended stimulus for the successful placement of workers
5 trained under the City's workforce development program, then the Program Administrator may
6 establish new criteria that it deems more effective in achieving such objectives of the program.

7 (vi) An incentive applicant whose system is installed by an individual, firm or
8 organization whose principal office or offices are located within the City shall be eligible for an
9 additional incentive up to \$1000, subject to the limitations of Section 18.3. If in implementing the
10 program the Program Administrator determines that the incentive identified in this paragraph does not
11 provide the intended stimulus for the in-City installation industry, then the Program Administrator may
12 amend the terms of this incentive to make it more effective in achieving the in-City job creation and
13 installation market objectives of the program.

14 **(c) Limits for photovoltaic panel systems for commercial, industrial or**
15 **manufacturing property.** No applicant may receive assistance in excess of \$1,500 per
16 kilowatt of electric power a photovoltaic panel system is designed to generate. Regardless of
17 system generating capacity, no applicant may receive assistance in excess of ten thousand dollars
18 (\$10,000). In order to receive assistance, an applicant must use installers trained through the
19 City's workforce development system.

20 **(d) Adjustments in limits.**

21 (i) The Program Administrator may adjust limits on the incentives paid for
22 systems installed on commercial, industrial or manufacturing property upon a finding that such
23 an adjustment advances the objectives of the program. Such adjustments may include an
24 increase in the limit on the incentive paid in respect of (A) systems installed within an
25 Environmental Justice District or (B) systems installed by an individual, firm or organization

1 with an office or offices within the City (or bearing some other linkage to the in-City installation
2 market as deemed appropriate by the Program Administrator).

3 (ii) Upon a demonstration of a reduction in average costs of solar
4 improvements, including but not limited to an increase in incentives, rebates, tax credits or
5 other payments provided by other government entities that serve to reduce the system costs
6 borne by the consumer, the SFPUC shall have the discretion to decrease the limits set forth
7 above by an amount reflective of the reduced need for the incentive payments.

8 (iii) With the concurrence of the Board of Supervisors, the Program
9 Administrator may increase any of the limits set forth in this Section in connection with efforts
10 to stimulate the development of a competitive in-City solar market, such as the establishment
11 of an in-City photovoltaic panel production facility.

12 13 **SEC. 18.6. PROGRAM ADMINISTRATION.**

14 (a) The program will be administered by the Program Administrator, which shall be the
15 SFPUC, acting by and through its Power Enterprise. SFPUC shall coordinate administration of
16 the Solar Energy Incentive Program with the implementation and administration of CCA to
17 maximize its efficiency in achieving the renewable energy expansion goals contemplated
18 under CCA.

19 (b) The Program Administrator shall develop rules and application procedures.

20 (c) The Program Administrator shall establish reasonable eligibility criteria for the
21 incentive payments so that the program is available to all applicants within the City regardless
22 of their customer relationship with any particular electric service provider. For ease of
23 administration these criteria shall be deemed satisfied when an applicant provides appropriate
24 evidence that the applicant is entitled to payments under the California Solar Initiative as
25 authorized by the California Public Utilities Commission and the State of California under SB1

(Chapter 132, Statutes of 2006) (as such program may be amended from time to time, the "California Solar Initiative"); provided, however, that demonstrating eligibility for the California Solar Initiative shall not be the sole means of establishing eligibility. The Program Administrator shall also establish reasonable and clear eligibility criteria for approving incentive payments to applicants who are not beneficiaries of the California Solar Initiative, which criteria shall include (but are not limited to) confirmation that the applicant has installed the system in compliance with all applicable laws, including Department of Building Inspection inspection and approvals.

(d) If there are applications for assistance in excess of appropriated funds, the Program Administrator shall grant applications in the order they were filed. The Program Administrator shall develop a reservation system which will allow applicants to request that the Program Administrator reserve funds for a proposed project. Such reservation system may be patterned after that utilized by the California Solar Initiative.

(e) The Program Administrator shall maintain annual program funding as identified within the SFPUC Power Enterprise budget as the Solar Energy Incentive Fund. At the end of each fiscal year, any program funds that were not expended shall be carried forward to the next fiscal year. Upon a finding as to the continuing effectiveness of the Solar Energy Incentive program in achieving its objectives such funds shall be appropriated then or thereafter for the purposes specified in this Chapter.

(f) The Program Administrator shall determine and implement payment procedures for incentives under the program. Such payment procedures may include the option to make payments on applicants' behalf directly to installers or other ~~contractors entities, in connection with their work on the system.~~ Such payments shall not be considered contracts or grants of the City for any City procedural contracting ordinances, and no requirements shall be imposed as a condition of receipt of such incentive payments aside from those specifically referenced in

1 this ordinance and as necessary to protect the City from legal liabilities and promote the goals
2 of this ordinance.

3 (g) The Program Administrator shall monitor the effective costs of renewable energy
4 system installation and other related market information for purposes of making the
5 adjustments described in Section 18.4(d)(ii).

6 (h) The Program Administrator shall establish boundaries for any Environmental
7 Justice District identified for purposes of Section 18.4(b)(iii). Any such district shall satisfy the
8 goals, objectives and definitions of environmental justice and Environmental Justice Districts,
9 as such concepts are set forth at any given time under state and local law.

10 (i) The Program Administrator shall submit to the Board of Supervisors a status report on the
11 first six-months of the program, within 45 days of the end of the first six months of the program. The
12 Program Administrator may submit an interim status report upon the exhaustion of either of the
13 funding pools described in Section 18.7-5 and shall otherwise provide written monthly status reports.

14 The Program Administrator shall submit to the Board of Supervisors a report evaluating the
15 first year of program operation, within 90 days after the end of the first year. The report shall
16 provide an analysis of the impacts of the program, including, without limitation, the number
17 and location by district of the projects funded, the amount of energy generated by the projects,
18 and the amount of time and money spent on program administration. The report shall
19 evaluate the economic and other benefits of the program and provide a cost-benefit analysis.
20 The data and analysis presented in this report shall inform future program funding, operation,
21 and amendments.

22 (j) In the context of funding appropriations for this program in future years, the Board
23 of Supervisors will

24 (i) Consider the Program Administrator's first-year report, identified in
25 subsection 18.6 (i) above;

1 (ii) Review and approve the Environmental Justice District boundaries
2 established by the Program Administrator pursuant to subsection 18.6 (h);

3 (iii) Review and approve any new or modified criteria or incentives established
4 by the Program Administrator.
5

6 Section 2. The San Francisco Environment Code is hereby amended by naming
7 Chapter 18.7 the "Solar Energy Incentive Pilot Program," and by amending Sections 18.7-1,
8 18.7-2, 18.7-3, 18.7-4, and 18.7-6, to read as follows:
9

10 **Section 18.7-1. FINDINGS**

11 A. California has set a goal to create 3,000 megawatts (MW) of new, solar-
12 produced electricity by 2017, moving the state toward a cleaner energy future and helping
13 lower the cost of solar systems for consumers.

14 B. The California Public Utilities Commission, through its California Solar Initiative
15 (CSI), provides \$2.2 Billion in incentives over the next decade for existing residential homes
16 and existing and new commercial, industrial, and agricultural properties of which 10% will be
17 set aside to assist installation of solar for low-income residents and affordable housing
18 developments.

19 C. On November 17, 2007, the CPUC adopted the CSI Single-Family Low-Income
20 Incentive Program. The Single-Family Low-Income Incentive Program will provide incentives
21 for solar PV systems from \$4.75 to \$7.00 per watt to qualifying low-income homeowners. The
22 Program will also provide full-subsidy systems to very low-income households who financed
23 their home through local, state and federal housing assistance programs and whose
24 household income is at or below the 50 percent of the area median income.
25

1 D. The CSI Single-Family Low-Income Program will not begin accepting
2 applications until after a statewide Program Manager has been selected. A Request For
3 Proposals for the CSI Single-Family Low-Income Program Manager was released on April
4 16th, 2008 and the final date for Proposal submission is May 28th, 2008. Once the Program
5 Manager is selected, the Single-Family Low-Income Program will be implemented throughout
6 the state of California and will assist applicants in determining their individual eligibility.

7 E. Establishing a ~~one-year~~ pilot program will enable the City to immediately
8 implement this program and evaluate the effectiveness of the program and determine the best
9 policy for allocation of public funds before deciding how or whether to continue the program.

10
11 **SEC. 18.7-2. INCENTIVE PAYMENTS.**

12 (a) A pilot program is established for a period of one-year from the date of this
13 ordinance or until funds allocated under Section 18.7-5 are expended. The incentives paid under
14 this program shall not exceed the amounts set forth in Section 18.7-5 below.

15 (b) Applicants must be the owner of a system installed on or after December 11,
16 2007, to be eligible to receive the incentive.

17
18 **SEC. 18.7-3. TYPES OF SYSTEMS ELIGIBLE FOR ASSISTANCE.**

19 (a) **Photovoltaic panel systems.** Photovoltaic panel systems that produce electricity
20 from sunlight, installed on ~~existing~~ residential buildings, with generating capacity of at least one
21 (1) kilowatt are eligible for assistance under this program.

22 (b) **Other systems.** The Program Administrator may extend program eligibility to
23 customer-owned distributed renewable energy generation systems other than photovoltaic
24 panel systems, so long as such an extension is accompanied by publication of criteria for
25 allocating incentive payments for such purpose and the limits on such incentive. Such an

extension must be accompanied by analysis demonstrating that the projected positive market effects of the incentive on the in-City market for the development of renewable energy and energy efficiency are comparable to those attributes of the photovoltaic panel program.

(c) **No limit on generating capacity.** There shall be no maximum generating capacity limitation on systems that are eligible for the incentive.

SEC. 18.7-4. LIMITS ON AMOUNTS OF ASSISTANCE.

(a) **Limits for all types of systems.** No applicant may receive assistance in excess of the cost to design, purchase and install the system, net of incentives, rebates, tax credits or other payments received from other governmental entities.

(b) **Limits for photovoltaic panel systems.**

(i) Except as further provided in this clause (b), no residential applicant may receive assistance in excess of three thousand dollars (\$3,000) toward the cost to design, purchase and install photovoltaic panels. If the property is a multifamily residential project, the applicant may apply for and receive an incentive payment corresponding to each electricity meter served by the system, so long as the system provides each such electricity meter with a generating capacity of at least one (1) kilowatt or financial credits that result from a generating capacity of at least one (1) kilowatt from the energy generation system ~~sufficient to satisfy the requirements of Section 18.7-3(a).~~

~~(ii) The limit of assistance shall be \$4,000 for systems installed by an individual, firm or organization whose principal office or offices are located within the City. If in implementing the program the Program Administrator determines that the terms of this clause do not provide the intended stimulus for the in-City installation industry, then the Program Administrator may establish new criteria that it deems more effective in achieving the in-City job creation and installation market objectives of the program.~~

1 ~~(iii)~~(ii) The limit of assistance shall be \$5,000 for applicants residing in an
2 Environmental Justice District, as such district or districts are determined by the Program
3 Administrator, or for applicants that are recipients of the California Public Utilities
4 Commission's CARE (California Alternative Rates for Energy) rates that provide rate
5 discounts for qualified low or fixed income households, or for building owners that are
6 recipients of the California Department of Housing and Community Development's CalHome
7 loan program, which provides low-interest, deferred rehabilitation loans to low-income
8 homeowners.

9 ~~(iv)~~(iii) CARE and CalHome participants or participants in the CPUC Low
10 Income program under CSI, as well as households with incomes that are certified by the
11 Mayor's Office of Housing pursuant to Section 18.7-5, shall be eligible for an additional \$5000
12 if the application for the low income incentive is received before February 1, 2009, subject to the
13 limitations of Section 18.7-4(a) above.

14 ~~(v)~~(iv) CARE and CalHome participants or participants in the CPUC Low Income
15 program under the CSI, as well as households with incomes that are certified by the Mayor's Office of
16 Housing pursuant to Section 18.7-5, shall be eligible for an additional \$7000 if the application for the
17 low income incentive is received by the Program Administrator on or after February 1, 2009, subject to
18 the limitations of Section 18.7-4(a) above.

19 (v) The limit of assistance shall be \$6,000 for systems installed by individuals
20 trained through the City's workforce development system. The Department of Economic &
21 Workforce Development, which directs the City's overall workforce development efforts, will
22 be responsible for developing and ensuring compliance with workforce criteria for this
23 incentive program. These criteria may include, but are not limited to: a minimum requirement
24 for hours worked on the solar installation by an individual hired through the City workforce
25 development system; a requirement that individuals hired through the City workforce

1 development system perform skilled work on the installation; workforce training program or
2 system prioritization of San Francisco residents who are low income and/or have barriers to
3 employment; and other standards for workforce system programs. If in implementing the
4 incentive program, the Program Administrator and the Department of Economic and
5 Workforce Development determine that the terms of this clause do not provide the intended
6 stimulus for the successful placement of workers trained under local workforce development
7 programs, then the Program Administrator in coordination with the Department of Economic
8 and Workforce Development may establish new criteria that it deems more effective in
9 achieving such objectives of the program.

10 *(v) An incentive applicant whose system is installed by an individual, firm or*
11 *organization whose principal office or offices are located within the City shall be eligible for an*
12 *additional incentive up to \$1000, subject to the limitations of Section 18.3. If in implementing the*
13 *program the Program Administrator determines that the incentive identified in this paragraph does not*
14 *provide the intended stimulus for the in-City installation industry, then the Program Administrator may*
15 *amend the terms of this incentive to make it more effective in achieving the in-City job creation and*
16 *installation market objectives of the program.*

17 (c) Limits for photovoltaic panel systems for non-residential buildings owned by non-
18 profits and non-residential buildings occupied by non-profits and owned by governmental entities. No
19 applicant may receive assistance in excess of \$1,500 per kilowatt of electric power a
20 photovoltaic panel system is designed to generate.

21 (d) Limits for photovoltaic panel systems for multi-unit residential buildings that are
22 owned and operated by non-profit organizations. No applicant may receive assistance in
23 excess of \$4,500 per kilowatt of electric power a photovoltaic panel system is designed to
24 generate, up to a total of \$150,000. An applicant may receive up to an additional \$100,000 in
25 matching funds on a dollar per dollar basis, subject to a maximum of \$4,500 per kilowatt,

1 Regardless of system generating capacity or matching funds, no applicant may receive
2 assistance in excess of ~~thirty~~ *two-hundred fifty thousand (\$30,000 250,000)*. *Buildings owned by*
3 *for-profit entities may be eligible for the incentive designated in this paragraph if at least 75% of the*
4 *residential units, excluding a manager's unit, are designated as affordable housing units under a*
5 *Federal, State, or local government restriction recorded against the property on which the building is*
6 *located in a manner that maintains affordability for a term no less than 50 30 years.*

7 (e) Adjustments in limits.

8 (i) If the program is continued after the one-year pilot, the Program
9 Administrator may adjust limits on the incentives paid for systems installed on commercial,
10 industrial or manufacturing property upon a finding that such an adjustment advances the
11 objectives of the program. Such adjustments may include an increase in the limit on the
12 incentive paid in respect of (A) systems installed within an Environmental Justice District or
13 (B) systems installed by an individual, firm or organization with an office or offices within the
14 City (or bearing some other linkage to the in-City installation market as deemed appropriate
15 by the Program Administrator).

16 (ii) Upon a demonstration of a reduction in average costs of solar
17 improvements, including but not limited to an increase in incentives, rebates, tax credits or
18 other payments provided by other government entities that serve to reduce the system costs
19 borne by the consumer, the SFPUC shall have the discretion to decrease the limits set forth
20 above by an amount reflective of the reduced need for the incentive payments.

21 (iii) With the concurrence of the Board of Supervisors, the Program
22 Administrator may increase any of the limits set forth in this Section in connection with efforts
23 to stimulate the development of a competitive in-City solar market, such as the establishment
24 of an in-City photovoltaic panel production facility.

1 **SEC. 18.7-6. PROGRAM ADMINISTRATION.**

2 (a) The program will be administered by the Program Administrator, which shall be the
3 SFPUC, acting by and through its Power Enterprise. SFPUC shall coordinate administration of
4 the Solar Energy Incentive Pilot Program with the implementation and administration of CCA
5 to maximize its efficiency in achieving the renewable energy expansion goals contemplated
6 under CCA.

7 (b) The Program Administrator shall develop rules and application procedures.

8 (c) The Program Administrator shall establish reasonable eligibility criteria for the
9 incentive payments so that the program is available to all applicants within the City regardless
10 of their customer relationship with any particular electric service provider. For ease of
11 administration these criteria shall be deemed satisfied when an applicant provides appropriate
12 evidence that the applicant is entitled to payments under the California Solar Initiative as
13 authorized by the California Public Utilities Commission and the State of California under SB1
14 (Chapter 132, Statutes of 2006) (as such program may be amended from time to time, the
15 "California Solar Initiative"); provided, however, that demonstrating eligibility for the California
16 Solar Initiative shall not be the sole means of establishing eligibility. The Program
17 Administrator shall also establish reasonable and clear eligibility criteria for approving
18 incentive payments to applicants who are not beneficiaries of the California Solar Initiative,
19 which criteria shall include (but are not limited to) confirmation that the applicant has installed
20 the system in compliance with all applicable laws, including Department of Building Inspection
21 inspection and approvals.

22 (d) If there are applications for assistance in excess of appropriated funds, the
23 Program Administrator shall grant applications in the order they were filed. The Program
24 Administrator shall develop a reservation system which will allow applicants to request that
25

1 the Program Administrator reserve funds for a proposed project. Such reservation system
2 may be patterned after that utilized by the California Solar Initiative.

3 (e) The Program Administrator shall determine and implement payment procedures for
4 incentives under the program. Such payment procedures may include the option to make
5 payments on applicants' behalf directly to installers or other ~~contractors~~ entities, in connection
6 ~~with their work on the system.~~ Such payments shall not be considered contracts or grants of the
7 City for any City procedural contracting ordinances, and no requirements shall be imposed as
8 a condition of receipt of such incentive payments aside from those specifically referenced in
9 this ordinance and as necessary to protect the City from legal liabilities and promote the goals
10 of this ordinance.

11 (f) The Program Administrator shall monitor the effective costs of renewable energy
12 system installation and other related market information for purposes of making the
13 adjustments described in Section 18.7-4(e)(i).

14 (g) The Program Administrator shall establish boundaries for any Environmental
15 Justice District identified for purposes of Section 18.7-4(b)(iii). Any such district shall satisfy
16 the goals, objectives and definitions of environmental justice and Environmental Justice
17 Districts, as such concepts are set forth at any given time under state and local law.

18 (h) The Program Administrator shall submit to the Board of Supervisors a status report
19 on the first six-months of the pilot program, within 45 days of the end of the first six months of
20 the program. The Program Administrator may submit an interim status report upon the
21 exhaustion of either of the funding pools described in Section 18.7-5 and shall otherwise
22 provide written monthly status reports.

23 (i) The Program Administrator shall submit to the Board of Supervisors a report
24 evaluating the one-year pilot program, within 90 days after the end of the first year. The
25 report shall provide an analysis of the impacts of the program, including, without limitation, the

1 number and location by district of the projects funded, the amount of energy generated by the
2 projects, and the amount of time and money spent on program administration. The report
3 shall evaluate the economic and other benefits of the program and provide a cost-benefit
4 analysis. The data and analysis presented in this report shall inform future program funding,
5 operation, and amendments.

6 (j) In the context of considering appropriations for a solar incentive program in future
7 years, the Board of Supervisors will

8 (i) Consider the Program Administrator's first-year report, identified in
9 subsection 18.7-6(i) above;

10 (ii) Review and approve the Environmental Justice District boundaries
11 established by the Program Administrator pursuant to subsection 18.7-6(h);

12 (iii) Review and approve any new or modified criteria or incentives established
13 by the Program Administrator.

14
15 Section 3. The San Francisco Environment Code is hereby amended by repealing
16 Section 18.7-7 in its entirety.

17 ~~SEC. 18.7-7. MODIFICATIONS TO THE LONG-TERM SOLAR ENERGY INCENTIVE~~
18 ~~PROGRAM.~~

19 ~~(a) This one-year pilot program shall be in addition to the long-term solar energy incentive~~
20 ~~program established by Ordinance No. 102-08, in File No. 071679.~~

21 ~~(b) The monthly and six-month reports established in Section 18.7-6(h) of this Ordinance shall~~
22 ~~be applicable to the long-term solar energy incentive program established by Ordinance No. 102-08, in~~
23 ~~File No. 071679.~~

1 ~~(e) The incentive payment limits established in Sections 18.7 4(b)(iii), (iv), and (v) of this~~
2 ~~Ordinance shall be applicable to the long-term solar energy incentive program established by~~
3 ~~Ordinance No. 102-08, in File No. 071679.~~
4
5

6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: _____

9 Theresa L. Mueller
10 Deputy City Attorney
11
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 090100

Date Passed:

Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.

March 17, 2009 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

March 24, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

File No. 090100

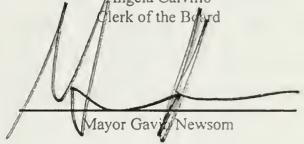
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/2/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

[De-appropriating \$1,000,000 of Power for Resale for use with the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009.]

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Ordinance de-appropriating \$1,000,000 of Power for Resale expenses and appropriating \$1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing \$500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18.7-5

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available for Fiscal Year 2008-2009.

Uses De-Appropriation

Fund	Index Code	Subobject	Description	Amount
5T AAA AAA –	326120 – Energy	03311 – Power for	Deappropriating	\$1,000,000
Hetch Hetchy	Services Power	Resale	money allocated to	
Operating Fund			buy power for resale	
Total SOURCES Appropriation				\$1,000,000

GOVERNMENT
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APR 15 2009

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PUBLIC LIBRARY

Supervisor Mirkarimi, Mayor Newsom, Supervisor Dufty, Mar
Board of Supervisors

Section 2. The uses of funding outlined below are herein appropriated in the Subobject 06700 buildings structures and improvements and reflects the projected uses of funding to support the Solar Incentive Program purpose at the Public Utilities Commission for Fiscal Year 2008-2009.

USES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
5T AAA ACP –	519463 / CUH947	06700 Buildings	Solar Incentive	\$1,000,000
Hetch Hetchy	– Solar Energy	Structures and	Program	
Continuing Projects	Incentive Fund	Improvements		
Total USES Appropriation				<u>\$1,000,000</u>

Section 3. Allow \$500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, leaving \$1,000,000 earmarked for low income/nonprofit projects. If \$1 million is spent by June 30, 2009, the PUC intends to seek an appropriation for an additional \$500,000 earmarked for low income/nonprofit projects.

Section 4. The San Francisco Environment Code is hereby amended by amending Chapter 18-7.5 to read as follows:

Section 18.7-5. ALLOCATION OF PROGRAM FUNDING AMONG TYPES OF BUILDINGS.

1 For this pilot program, funds shall be allocated as follows: ~~\$4,500,000~~ 1,000,000 to
2 buildings that are owned and operated by non-profit organizations or single and multifamily
3 residential applicants that are certified by the Mayor's Office of Housing as earning at or below
4
5 the San Francisco median income or CARE and CalHome participants or participants in the
6 CPUC Low Income program under CSI.
7

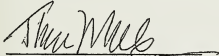
8 FUNDS AVAILABLE

9
10 APPROVED AS TO FORM:

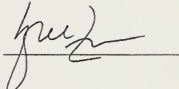
BEN ROSENFELD

11
12 DENNIS J. HERRERA, City Attorney

Controller

13
14 By: 

15 THERESA L. MUELLER
16 Deputy City Attorney

17
18 By: 

19
20 Date: 1/27/2009
21
22
23
24
25



City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090140

Date Passed:

Ordinance de-appropriating \$1,000,000 of Power for Resale expenses and appropriating \$1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing \$500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18.7-5.

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell,
Mirkarimi

Noes: 2 - Daly, Elsbernd

March 24, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell,
Mirkarimi

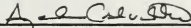
Noes: 2 - Daly, Elsbernd

File No. 090140

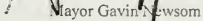
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/2/09

Date Approved



Angela Calvillo
Clerk of the Board


Mayor Gavin Newsom

FILE NO. 090131In Board
3/17/09ORDINANCE NO. 44-09

RO#09021

[Appropriating ~~47,000,000~~ \$16,500,000 of State Loans for West Marina Yacht Harbor Renovations in the Recreation and Park Department for Fiscal Year 2008-2009.]

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~;
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Ordinance appropriating ~~\$47,000,000~~ \$16,500,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing ~~\$15,500,000~~ \$15,000,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available for Fiscal Year 2008-2009.

SOURCES Appropriation

Fund	Index Code /	Subobject	Description	Amount
Project				
2S CRF RPA -	RECYACHTHARB /	80199 - Proceeds	Loan from the California	~~\$47,000,000~~
Marina Yacht	CRPMWH01 -	from other long term	Department of Boating	<u>\$16,500,000</u>
Harbor Fund	Marina West Harbor	obligations	and Waterways	
	Renovation			
Total SOURCES Appropriation				<u><u>\$17,000,000</u></u>
				<u><u>\$16,500,000</u></u>

GOVERNMENT
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Supervisor Alioto-Pier
Board of Supervisors

APR 15 2009

Page 1 of 3

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Section 2. The uses of funding outlined below are herein appropriated in the Subobject 06700 buildings, structures and improvements, and reflects the projected uses of funding to support the Marina Yacht Harbor – West Harbor Renovations for the Recreation and Park Department for Fiscal Year 2008-2009.

USES Appropriation

Fund	Index Code / Project	Subobject	Description	Amount
	Code			
2S CRF RPA –	RECYACHTHARB /	06700- Buildings	Marina Yacht Harbor	<u>\$17,000,000</u>
Marina Yacht	CRPMWH01 - Marina	Structures and	– West Harbor	<u>\$16,500,000</u>
Harbor Fund	West Harbor	Improvements	Renovations	
	Renovation			
Total USES Appropriation				<u>\$17,000,000</u>
				<u>\$16,500,000</u>

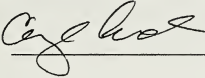
Section 3. Place ~~\$16,500,000~~ \$15,000,000 of the appropriation on Controller's Reserve pending receipt of the loans from the State within six (6) months for the prior quarter's invoiced costs.

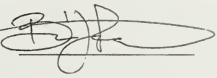
1 APPROVED AS TO FORM:

FUNDS AVAILABLE

2
3 DENNIS J. HERRERA, City Attorney

BEN ROSENFELD, Controller

4
5 By: 

By: 

6
7 Deputy City Attorney

Date:

8 Amended 03/04/2009

9 Amended 03/17/2009



City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090131

Date Passed:

Ordinance appropriating \$16,500,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing \$15,000,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.

March 17, 2009 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 24, 2009 Board of Supervisors — FINALLY PASSED

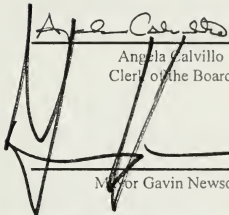
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090131

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/2/09

Date Approved


Angela Calvillo

Clerk of the Board

Mayor Gavin Newsom

1 [Memorandum of Understanding.]
2

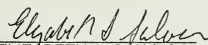
3 Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum
4 of Understanding between the City and County of San Francisco and the Freight
5 Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses,
6 Unit 11.B.) by implementing specified terms and conditions of employment for fiscal
7 years 2008-2009, 2009-2010 and 2010-2011.
8

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The Board of Supervisors hereby adopts and implements Amendment #1
11 amending the 2007-2011 Memorandum of Understanding between the City and County of
12 San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856
13 (Supervising Registered Nurses, Unit 11.B.) by implementing specified terms and conditions
14 of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.
15

16 Amendment #1 to the Memorandum of Understanding so implemented is on file in the
17 office of the Board of Supervisors in Board File No. 090230.
18

19 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

20 By: 
21 ELIZABETH S. SALVESON
22 Chief Labor Attorney
23
24
25



City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090230

Date Passed:

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar,
Maxwell, Mirkarimi
Absent: 1 - Dufty

March 24, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 090230

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/2/09

Date Approved

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

1 [Settlement of Lawsuit]
2
3

4 Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City
5 and County of San Francisco et al. for \$175,000; the lawsuit was filed on September 22,
6 2006, in the United States District Court of the Northern District of California, Case No.
7 C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al.

8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. The City Attorney is hereby authorized to settle the action entitled Antia
10 Lelaind v. City and County of San Francisco, et al., United States District Court for the
11 Northern District of California, Court No. C06-05870 MHP by the payment of \$175,000. The
12 payment shall be allocated as follows: (a) \$99,535.05, to Plaintiff; (b) \$75,464.95 to Plaintiff's
13 counsel, Fania Davis.

14 Section 2. The above-named action was filed in United States District Court for the
15 Northern District of California on September 22, 2006, and the following parties were named
16 in the lawsuit: Antia Lelaind, Plaintiff; the City and County of San Francisco, San Francisco
17 Public Utilities Commission, Daniel Gilman, Herb Dang and Cris Logia, Defendants.

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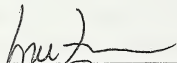
1 APPROVED AS TO FORM
2 AND RECOMMENDED:

3 DENNIS J. HERRERA
4 City Attorney

5 

6 ELIZABETH S. SALVESON
7 Chief Labor Attorney

8 FUNDS ARE AVAILABLE:

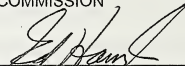
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10 BENJAMIN ROSENFELD
11 Controller

12 Index Code: 470101
13 Subobject: 05311
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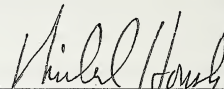
RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION



EDWARD HARRINGTON
General Manager

APPROVED:



MICHAEL HOUSH
Secretary, SAN FRANCISCO PUBLIC
UTILITIES COMMISSION



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 090117

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City and County of San Francisco et al. for \$175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al.

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 24, 2009 Board of Supervisors — FINALLY PASSED

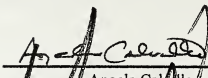
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

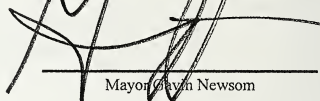
File No. 090117

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/2/09

Date Approved


Angela Calafello
Clerk of the Board


Mayor Gavin Newsom

1 [Settlement of Lawsuit]
2

3 Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd
4 against the City and County of San Francisco for \$85,000; the lawsuit was filed on
5 January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane
6 Martin, et al. v. City and County of San Francisco, et al.

7 Be it ordained by the People of the City and County of San Francisco:

8 Section 1. The City Attorney is hereby authorized to settle the portion of the action
9 entitled "Jane Martin, et al. v. City and County of San Francisco, et al.," San Francisco
10 Superior Court, Court No. 436930, as it relates only to plaintiff Mark Boyd, by the payment of
11 \$85,000, and excluding the claim by this plaintiff for attorney's fees, costs and interest, which
12 will be addressed in later proceedings.

13 Section 2. The above-named action was filed in San Francisco Superior Court on
14 January 31, 2005, and the following settling parties were named in the lawsuit: Plaintiff Mark
15 Boyd and Defendant City and County of San Francisco.

16 APPROVED AS TO FORM AND
17 RECOMMENDED:

18 DENNIS J. HERRERA
19 City Attorney

20 Joanne Hooper
JOANNE HOEPER, Chief Trial Deputy

21 FUNDS AVAILABLE:

22 BEN ROSENFELD
23 BEN ROSENFELD
24 Controller

25 Index Code: 470101
Subobject: 05312

RECOMMENDED:

PUBLIC UTILITIES COMMISSION

26 Ed Harrington
ED HARRINGTON, General Manager

27 APPROVED:

28 Michael Hanks
29 Secretary
Public Utilities Commission

GOVERNMENT
DOCUMENTS DEPT

APR 15 2008



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090158

Date Passed:

Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

March 24, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 090158

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/2/09

Date Approved

Angela Cavillo
Clerk of the Board

Mayor Gavin Newsom

48-09

FILE NO. 081598

ORDINANCE NO.

[Public Works Code – Appellate body for minor sidewalk encroachments.]

Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Permit Appeals.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Public Works Code is hereby amended by amending Section 723.2, to read as follows:

SEC. 723.2. MINOR SIDEWALK ENCROACHMENTS.

(a) The Director of Public Works may grant permission, revocable at his or her will, to an owner of property abutting any court, alley or street to install and maintain minor encroachments such as fences, retaining walls, steps or stairways and other minor structures in the sidewalk fronting such property where such encroachments are desirable or convenient in conjunction with the owner's use and enjoyment of the property, or required for the safety, convenience and comfort of the public using the sidewalk.

(b) Such encroachments shall not occupy more than 10 percent of the area of the sidewalk fronting the property nor more than 25 percent of the width of the sidewalk, unless the Director of Public Works determines that such restrictions are not applicable due to the nature of the encroachment. The Director may require further restrictions or modifications and impose such conditions as he or she deems necessary. No advertisement shall be permitted on the encroachments.

GOVERNMENT
DOCUMENTS DEPT

APR 15 2009

Supervisor Elsbernd
BOARD OF SUPERVISORS

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Page 1
3/16/2009

1 (c) In considering the issuance of permits under the provisions of this Section, the
2 Director of Public Works shall give due regard to the location, neighborhood pattern,
3 anticipated pedestrian traffic, access requirements of the Fire Department, and to the
4 convenience and necessities of the owners, occupants or tenants of offices, stores or shops in
5 the vicinity.

6 (d) The owner of the real property or the owner's authorized agent applying for a
7 permit under the provisions of this Section shall agree to hold harmless the City and County of
8 San Francisco, its officers, agents, and employees, from any damage or injury caused by
9 reason of the installation or maintenance of the encroachment in the sidewalk, and the owner
10 or owners or subsequent owner or owners of the respective real property shall be solely liable
11 for any damage or loss occasioned by any act or neglect in respect to the installation or
12 maintenance of the encroachments in the sidewalk.

13 (e) Each permit issued under the provisions of this Section shall not become effective
14 until the permit has been signed by the owner or the owner's authorized agent and a copy
15 thereof has been recorded in the office of the Recorder of the City and County of San
16 Francisco; provided, however, that within 15 days following the approval, denial or revocation
17 of a permit by the Director, any person may file a notice of appeal with the ~~Clerk of the Board of~~
18 ~~Supervisors~~Board of Permit Appeals. In the alternative, when the encroachment is related to
19 building construction, rehabilitation or maintenance, any person may appeal the
20 encroachment permit decision to the Building Inspection Commission. A person waives his or
21 her right to appeal to the Building Inspection Commission encroachment permit decisions
22 relating to building construction, rehabilitation or maintenance by instead filing the appeal with
23 the ~~Clerk of the Board of Supervisors~~Board of Permit Appeals. No encroachment permit decision
24 may be appealed to both bodies.
25

(f) For purposes of this Section, an encroachment permit is related to building construction, rehabilitation or maintenance when the object of the encroachment permit affects the applicant's ability to construct, repair or maintain the building.

~~(g) Upon filing the appeal to the Board of Supervisors, the appeal shall be referred to the full Board for hearing.~~

~~(h) The Clerk of the Board shall set a time and place for hearing such appeal, which shall be not less than 10 nor more than 30 days after such filing.~~

(ig) Pending decision by the Board of Supervisors Permit Appeals or the Building Inspection Commission, the permit decision by the Director shall be suspended. ~~The Board of Supervisors may disapprove the Director's permit decision only by a vote of not less than 2/3 of all members of the Board. In the event that one or more of the full membership of the Board is disqualified or excused from voting because of an interest prohibited by general law or the San Francisco Charter, any such disapproval shall be by a vote of all members of the Board that are not disqualified or excused. The Board of Supervisors must decide such appeal within 30 days of the time set for the hearing thereon, provided that, if the full membership of the Board is not present on the last day on which said appeal is set or continued for hearing within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided, further, that the latest date to which said hearing and decision may be so postponed shall be not more than 90 days from the date of filing of the appeal. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the action of the Director of Public Works.~~

(jh) Before issuance of the permit, the applicant shall be required to pay to the Department of Public Works a fee as set forth in Section 2.1.1 et seq. and a public right-of-way occupancy assessment fee as set forth in subsection (mk).

1 (kj) Nothing in this Section shall be construed as authorizing the Director of Public
2 Works to grant permit for any encroachment which he or she determines to be inimical to the
3 health, welfare, safety and best interest of the general public, or in violation of the Charter or
4 laws of the City and County of San Francisco or laws of the State of California.

5 (lj) The Board of ~~Supervisors~~ Permit Appeals or the Building Inspection Commission may
6 affirm, reverse or modify any permit decision made by the Director of Public Works under the
7 provisions of this Section. The decision by the Board of ~~Supervisors~~ Permit Appeals or the
8 Building Inspection Commission is final.

9 ~~(m) The Board of Supervisors reserves the right to exact a public right-of-way occupancy~~
10 ~~assessment fee for the use of the sidewalk or other public right-of-way space permitted under the~~
11 ~~provisions of this Section.~~

12 (mk) The Board of Supervisors reserves the right to exact a public right-of-way
13 occupancy assessment fee for the use of the sidewalk or other public right-of-way space
14 permitted under the provisions of this Section.

15 (1) In accordance with Subsection (mk) the public right-of-way occupancy assessment
16 fee for minor sidewalk encroachments, whether permitted or unpermitted and as specified in
17 Subsection (mk)(2), shall be an annual fee of \$3.00 per square foot of occupancy of the
18 sidewalk or other public right-of-way space. For purposes of calculating the assessment fee,
19 the Department shall charge no less than \$100.00 per year even though the calculated square
20 footage charge for the encroachment may result in a smaller assessment fee.

21 (2) The following categories of minor sidewalk encroachments are subject to the
22 public right-of-way occupancy assessment fee:

23 (a) Encroachments in, on, above, or below the public right-of-way that are affixed or
24 appurtenant to any building whose owner obtained a site permit for new construction on or
25

1 after August 29, 2005. This Subsection (m)(2)(a) also shall apply to any commercial,
2 industrial, or mixed-use building whose owner obtained a site permit for new construction prior
3 to August 29, 2005; provided, however, that such building is not located in any Neighborhood
4 Commercial District as designated in Planning Code Article 7 and that the encroachment
5 associated with such building was installed or encroachment permit obtained prior to August
6 29, 2005. This Subsection shall specifically include, but not be limited to, doors that open over
7 the public right-of-way and subsidewalk basements; provided, however, that this Subsection
8 shall exclude encroachments for shoring and tiebacks. This Subsection shall not apply to a
9 building that has been converted from a commercial, industrial, or mixed-use building into
10 building containing only residential use.

11 (b) Encroachments associated with a commercial, industrial, or mixed-use building
12 that change the vertical or horizontal plane of an existing sidewalk and modify the existing
13 sidewalk slope pattern in order to provide access necessary to comply with the Americans
14 with Disabilities Act; provided, however, that the building obtained a site permit for new
15 construction on or after August 29, 2005.

16 (c) Any enclosure of the public right-of-way that is used exclusively for private benefit
17 and was installed on or after August 29, 2005. This Subsection (m)(2)(c) also shall apply to
18 any enclosure installed prior to August 29, 2005 that is associated with a commercial,
19 industrial, or mixed-use building; provided, however, that the building is not located in any
20 Neighborhood Commercial District as designated in Planning Code Article 7,

21 (d) Underground storage tanks.

22 (3) For purposes of Subsection (m)(2), the term "site permit" also shall mean
23 "building permit."
24
25

1 (4) Notwithstanding Subsection (m)(2), no public right-of-way occupancy assessment
2 fee shall be charged against the owner of an historic or architecturally significant building who
3 has installed or seeks a permit to install a minor sidewalk encroachment in order to conform
4 with an applicable Municipal Code; provided, however that this exception shall not apply if the
5 encroachment is a subsidewalk basement. For purposes of this Subsection, an historic or
6 architecturally significant building shall be a building so designated pursuant to Planning Code
7 Article 10 or specifically identified as an architecturally significant building on the Planning
8 Department's database or on a list maintained by the Planning Department.

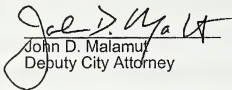
9 (5) The public right-of-way occupancy assessment fee shall be subject to the review
10 and adjustment procedures as forth in Sections 2.1.1 et seq.

11 (6) The public right-of-way occupancy assessment fee shall not be charged to any
12 federal, state, or local governmental agencies, commissions, or departments.

13 (7) Notwithstanding this Subsection (m), the public right-of-way assessment fee for
14 underground vaults shall be as specified in Section 2.1.1 et seq.

15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By:

18 
19 John D. Malamut
Deputy City Attorney



City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081598

Date Passed:

Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Appeals.

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 24, 2009 Board of Supervisors — FINALLY PASSED

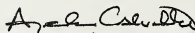
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081598

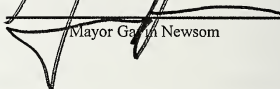
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/2/09

Date Approved



Angela Calvillo
Clerk of the Board


Mayor Gavin Newsom

[Massage Services in South of Market Residential/Service Mixed Use District.]

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough-italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) The Planning Department has determined that the actions contemplated in this ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). This determination is on file with the Clerk of the Board of Supervisors in File No. 081504.

(b) At a duly noticed public hearing held on Feb. 5, 2009, the Planning Commission found in Resolution No. 17816 that the proposed Planning Code amendments contained in this ordinance are consistent with the City's General Plan and with the Priority Policies of Planning Code Section 101.1. A copy of this Planning Commission Resolution is on file with the Clerk of the Board of Supervisors in File No. 081504 and is incorporated herein by reference. The Board finds that the proposed Planning Code

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Supervisor Daly, Supervisor Duffy
BOARD OF SUPERVISORS

APR 15 2009

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1 amendments are consistent with the City's General Plan and with the Section 101.1 Priority
2 Policies for the reasons set forth in the Planning Commission Resolution cited above.

3 (c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will
4 serve the public necessity, convenience and welfare for the reasons set forth in the Planning
5 Commission Resolution cited above.

6 Section 2. The San Francisco Planning Code is hereby amended by amending
7 Section 803.4, to read as follows:

8 SEC. 803.4. USES PROHIBITED IN SOUTH OF MARKET DISTRICTS.

9 (a) Uses which are not specifically listed in this Article or Article 6 are not permitted
10 unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this
11 Code or are determined by the Zoning Administrator to be permitted uses in accordance with
12 Section 307(a) of this Code. Uses not permitted in any South of Market District include, but
13 are not limited to, the following: Adult entertainment, bookstore or theater; amusement game
14 arcade or similar enterprise; shooting gallery; general advertising signs, except in the South of
15 Market General Advertising Special Sign District; animal kennel, riding academy or livery
16 stable; automobile, truck, van, recreational vehicle/trailer or camper sales, lease or rental;
17 auto tow of inoperable vehicles; auto wrecking operation; drive-up facility; hotel (except as
18 permitted as a conditional use as provided in Planning Code Section 818, Service/Secondary
19 Office District), motel, hostel, inn, or bed and breakfast establishment; heavy industry subject
20 to Section 226(e) through (w) of this Code; junkyard; landing field for aircraft; massage
21 establishment subject to Section 218.1 of this Code, except in the Residential/Service Mixed Use
22 District when provided in conjunction with full-service spa services; mortuary; movie theater and
23 sports stadium or arena.
24
25

1 (b) No use, even though listed as a permitted use or otherwise allowed, shall be
2 permitted in a South of Market District which, by reason of its nature or manner of operation,
3 creates conditions that are hazardous, noxious, or offensive through the emission of odor,
4 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive
5 noise.

6 (c) The establishment of a use that sells alcoholic beverages, other than beer and
7 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

8 Section 3. The San Francisco Planning Code is hereby amended by amending Section
9 815 and Table 815, to read as follows:

10 SEC. 815. RSD -- RESIDENTIAL/SERVICE MIXED USE DISTRICT.

11 The Residential/Service Mixed Use District (RSD) serves as a buffer between the
12 higher-density, predominantly commercial area of Yerba Buena Center to the east and the
13 low-scale, predominantly service/industrial area west of Sixth Street. The RSD serves as a
14 major housing opportunity area within the South of Market District. The district controls are
15 intended to facilitate the development of high-density, mid-rise housing, including residential
16 hotels and live/work units, while also encouraging the expansion of retail, business service
17 and commercial and cultural arts activities.

18 Residential hotels are subject to flexible standards for parking, rear yard/open space and
19 density. Continuous ground floor commercial frontage with pedestrian-oriented retail activities
20 along major thoroughfares is encouraged.

21 General office, hotels, nighttime entertainment, adult entertainment, massage establishment,
22 movie theaters and heavy industrial uses are not permitted, except that massages services are
23 authorized as a conditional use in the Residential/Service Mixed Use District when provided in
24 conjunction with full-service spa services.

Table 815

**RSD -- RESIDENTIAL/SERVICE MIXED USE
DISTRICT ZONING CONTROL TABLE**

			Residential/Service Mixed Use Districts
No.	Zoning Category	§ References	Controls
815.01	Height		Map, generally ranges from 40 to 85 feet See Sectional Zoning Map 1
815.02	Bulk	§ 270	See Sectional Zoning Map 1
815.03	Residential Density Limit	§§ 124(b), 207.5, 208	1:200 for dwellings in projects below 40 ft., above 40 ft. density to be determined as part of Conditional Use process; 1 bedroom for each 70 sq. ft. of lot area for group housing
815.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 1.8 to 1 floor area ratio subject to § 803.5(j)
815.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit if private, 48 sq. ft. if common
815.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
815.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
815.09	Outdoor Activity Area	§ 890.71	P
815.10	Walk-Up Facility, except Automated Bank Teller Machine	§ 890.140	P
815.11	Automated Bank Teller Machine	§ 803.5(d)	P
815.12	Residential Conversion	§ 803.5(b)	C

1	815.13	Residential Demolition	§ 803.5(b)	C
2			Residential Use	
3	815.14	Dwelling Units	§ 102.7	P
4	815.15	Group Housing	§ 890.88(b)	C
5	815.16	SRO Units	§ 890.88(c)	P
6		Institutions		
7	815.17	Hospital, Medical Centers	§ 890.44	NP
8	815.18	Residential Care	§ 890.50(e)	C
9	815.19	Educational Services	§ 890.50(c)	P
10	815.20	Religious Facility	§ 890.50(d)	C
11	815.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
12				
13	815.22	Child Care	§ 890.50(b)	P
14	815.23	Medical Cannabis Dispensary	§ 890.133	P#
15		Vehicle Parking		
16				
17	815.25	Automobile Parking Lot, Community Residential	§ 890.7	P
18	815.26	Automobile Parking Garage, Community Residential	§ 890.8	C, pursuant to § 803.5(i)
19				
20	815.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
21				
22	815.28	Automobile Parking Garage, Community Commercial	§ 890.10	C, pursuant to § 803.5(i)
23				
24	815.29	Automobile Parking Lot, Public	§ 890.11	P
25				

1 815.30 Automobile Parking § 890.12 C, pursuant to § 803.5(i)
2 Garage, Public

3 Retail Sales and Services

4 815.31 All Retail Sales and § 890.104 P, pursuant to § 803.5(i)
5 Services which are not
6 Office Uses or prohibited
7 by § 803.4, including Bars,
8 Full Service and Fast
9 Food Restaurants,
10 Take Out Food Services,
11 and Personal Services

8 815.33 Fringe Financial §§ 249.35, P#
9 Service 890.113

10 815.34 Massage Establishment § 890.60 C#
11 § 1900 Health
12 Code

12 Assembly, Recreation, Arts and Entertainment

13 815.37 Nighttime Entertainment §§ 102.17, 181(f) NP

14 815.38 Meeting Hall, not falling § 221(c) C, pursuant to § 803.5(i)
15 within Category 815.21

16 815.39 Recreation Building, § 221(e) C, pursuant to § 803.5(i)
17 not falling within
18 Category 815.21

17 815.40 Pool Hall, Card Club, §§ 221(f), 803.4 P, pursuant to § 803.5(i)
18 not falling within
19 Category 815.21

19 815.41 Theater, falling within §§ 221(d), 890.64 P, pursuant to § 803.5(i)
20 § 221(d), except Movie
21 Theater

1	Home and Business Service			
2	815.42 Trade Shop	§ 890.124	P, pursuant to § 803.5(i)	
3	815.43 Catering Services	§ 890.25	P, pursuant to § 803.5(i)	
4	815.45 Business Goods and Equipment Repair Service	§ 890.23	P, pursuant to § 803.5(i)	
5				
6	815.46 Arts Activities, other than Theaters	§ 102.2	P, pursuant to § 803.5(i)	
7				
8	815.47 Business Services	§ 890.111	P, pursuant to § 803.5(i)	
9	Office			
10	815.48 Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C	
11				
12	815.49 Work Space of Design Professionals	§§ 890.28, 803.5(k)	P, subject to § 803.5(k)	
13				
14	815.50 All Other Office Uses	§ 890.70	NP	
15	Live/Work Units			
16	815.51 Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P	
17				
18	815.52 Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P	
19				
20	815.53 Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§ 233	C	
21				
22				
23	815.54 Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C	
24				
25				

1	815.55	All other Live/Work Units		NP
2		Motor Vehicle Services		
3	815.57	Vehicle Storage—	§ 890.131	NP
4		Open Lot		
5	815.58	Vehicle Storage—	§ 890.132	P
6		Enclosed Lot or		
7		Structure		
8	815.59	Motor Vehicle Service	§§ 890.18, 890.20	P, pursuant to § 803.5(i)
9		Station, Automotive Wash		
10	815.60	Motor Vehicle Repair	§ 890.15	P, pursuant to § 803.5(i)
11	815.61	Motor Vehicle Tow	§ 890.19	C, § 803.5(i)
12		Service		
13	815.62	Non-Auto Vehicle	§ 890.69	P, § 803.5(i)
14		Sales or Rental		
15	815.63	Public Transportation	§ 890.80	C, pursuant to § 803.5(i)
16		Facilities		
17		Industrial		
18	815.64	Wholesale Sales	§ 890.54(b)	P, pursuant to § 803.5(i)
19	815.65	Light Manufacturing	§ 890.54(a)	P, pursuant to § 803.5(i)
20	815.66	Storage	§ 890.54(c)	P
21	815.67	All Other Wholesaling,	§ 225	P
22		Storage, Distribution and		
23		Open Air Handling of		
24		Materials and Equipment		
25		Other Uses		
	815.68	Animal Services	§ 224	NP
	815.69	Open Air Sales	§§ 803.5(e), 890.38	P
	815.70	Ambulance Service	§ 890.2	NP

1	815.71	Open Recreation and Horticulture	§ 209.5	P
2				
3	815.72	Public Use, except Public Transportation Facility	§ 890.80	C
4				
5	815.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
6				
7	815.74	Greenhouse or Plant Nursery	§ 227(a)	NP
8	815.75	Mortuary Establishment	§ 227(c)	NP
9				
10	815.76	General Advertising Sign	§ 607.2(b) & (e)	NP

SPECIFIC PROVISIONS FOR RSD DISTRICTS

Article Code	Section	Other Code	Section	Zoning Controls
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§ 815.23	§ 890.133			
----------	-----------	--	--	--

-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an RSD District.

815.33		§§ 249.35, 890.113		
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Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).

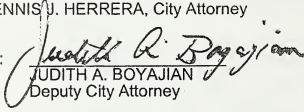
815.34

§ 890.60
§ 1900 Health Code

Only those businesses that can demonstrate to the satisfaction of the Planning

Commission that massage services
are provided in conjunction with full-
service spa services are authorized
to provide massage services

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081504

Date Passed:

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 24, 2009 Board of Supervisors — FINALLY PASSED

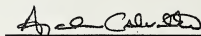
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081504

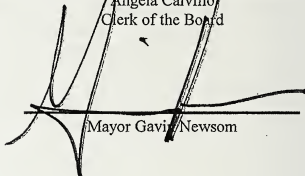
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/2/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

50-09

FILE NO. 081563

ORDINANCE NO.

[Public Employment]

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009)

to reflect the addition of one position (.20^L FTE) 9775^L Senior Community

Development Specialist II and one position (.20^L FTE) 9770^L Community

Development Assistant to the Board of Supervisors (BOS).

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1.. Amend FY 2008-2009 Annual Salary Ordinance.

The hereinafter designated section and item of Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) is hereby amended so that the same shall read as follows:

Government Code section 56301 and Section 2.6 of San Francisco's Local Agency Formation Commission's (LAFCO) General Policies and Procedures provide the Commission with the general authority to undertake studies and obtain and furnish information which will contribute to the development of local agencies so as to advantageously provide for the present and future needs of San Francisco and its communities; and,

Supervisor Mirkarimi, Mar
BOARD OF SUPERVISORS

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1 Ordinance 0146-07, the Board of Supervisors has charged SF LAFCO with an advisory
2 role for the implementation of the Community Choice Aggregation (CCA) Program. This
3 ordinance directs SF LAFCO to assist with the startup of the CCA Program and advise the
4 Board of Supervisors, San Francisco Public Utilities Commission (SFPUC), and other
5 agencies regarding all aspects of development, implementation, operation, and management
6 of the CCA Program; and,

7 By adopting Resolution number 2007-01 on September 28, 2007, LAFCO accepted
8 responsibility to provide monitoring and advice to the Board of Supervisors, SFPUC, and other
9 agencies regarding the CCA Program; and,

10 The SFPUC, in turn, has agreed to provide LAFCO with up to \$2.1 million in funds
11 between 2007 and 2010 for its role in the CCA Program. In November 2007, LAFCO
12 approved a CCA Advisory and Monitoring Budget specifying that \$360,429 of the \$2.1 million
13 would be spent on salaries and benefits for personnel hired by LAFCO to assist with the CCA
14 Program; and

15 Similarly, LAFCO staff now requests that the Commission approve the hiring of two
16 additional staff members to assist with the startup of the CCA Program and advise the Board
17 of Supervisors, SFPUC, and other agencies regarding all aspects of development,
18 implementation, operation, and management of the CCA Program; Now, therefore, be it

19 That the Annual Salary Ordinance is hereby amended as follows:
20
21
22
23
24
25

Department: BOS (1) Board of Supervisors

Program: Local Agency Formation (FAT)

Fund Type 1 G

Fund AGF

Subfund: ACP

Index Code: 015016

<u>Amendment</u>	<u>#of Pos.</u>	<u>Class and Item No.</u>	<u>Compensation Schedule</u>
Add	.2 FTE	9775 ^L Senior Community Development Specialist II	\$3,189 B \$3,873
Add	.2 FTE	9770 ^L Community Development Assistant	\$1,844 B \$2,242

APPROVED AS TO CLASSIFICATION:

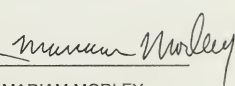
APPROVED AS TO FORM:

DEPARTMENT OF HUMAN RESOURCES

By: 

MICKI CALLAHAN

Director

By: 

MARIAM MORLEY

Deputy City Attorney



City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 081563

Date Passed:

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (.20 FTE) 9775L Senior Community Development Specialist II and one position (.20 FTE) 9770L Community Development Assistant to the Board of Supervisors (BOS).

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

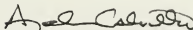
March 24, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

File No. 081563

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on March 24, 2009 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

4/3/09

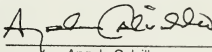
Date Approved

UNSIGNED

Mayor Gavin Newsom

Date: April 3, 2009

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Angela Calvillo
Clerk of the Board

File No.
081563

847616

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